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DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume XII

Part VI

1854 - 1855

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'étude du Québec
and the
Centre de recherche en histoire économique et sociale du Québec (CHE)

General Editor
Elizabeth Abbott Gibbs

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Volume XII, Part VI
1854 - 1855

Edited by
Tamara Dixon
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CENTRE DE RECHERCHE EN HISTOIRE ÉCONOMIQUE ET SOCIALE DU QUÉBEC (CHE)
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ADDENDUM TO NEWSPAPER TABLE

The list of 22 newspapers, contained in the Introduction to Volume XII, Part I, includes mention of the Hamilton Daily Spectator; however, that paper was not in daily production from 9 November 1854 to 10 May 1855.

NEWSPAPER

DISTRICT, SECTION

LANGUAGE

POLITICAL ORIENTATION

WEEKLY DISTRIBUTION

ORIGIN OF REPORTS

HAMILTON SPECTATOR
(semi-weekly)

Hamilton, U.C.

English

Conservative

Twice

Copied U.C. and
L.C. newspapers

MONDAY, 26 MARCH 1855.

(746)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Sidney Smith,--The Petition of Caleb Mallery and others, of the Township of Hamilton, in the County of Northumberland.

By Mr. Jackson,--The Petition of the Municipality of the Township of Norwich.

By Mr. Pouliot,--The Petition of Siméon Larochelle and others, of the Parish of St. Anselme, County of Dorchester.

By Mr. Masson,--The Petition of G. Beaudet and others, of the County of Soulanges.

By the Honorable Sir Allan N. MacNab,--The Petition of James S. Wetenhall and others, of the City of Hamilton; and the Petition of William P. McLaren and others.

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By Mr. Biggar,--The Petition of W.B. Whittier and others, of the County of Prince Edward.

By Mr. Wilson,--The Petition of Daniel Macfie and others.

By Mr. Jean Baptiste Eric Dorion,--The Petition of J.V. DeBoucherville and others, of the Township of Arthabaska.

By Mr. Mongenais,--The Petition of the Corporation of the Clercs de St. Viateur.

By Mr. Mackenzie,--The Petition of Richard W. Hix and others, Inspectors and Manufacturers of Gas Fittings and Gas Fitters, of the City of Toronto; and the Petition of David Paterson and others, Trustees of the Toronto General Burying Ground, and the Municipality of Yorkville and others.

By Mr. Jobin,--The Petition of C. Claude Grece and others, of Chatham, Lower Canada.

Pursuant to the Order of the day, the following Petitions were read:--

Of Mrs. Clara P. Powell, of the City of Hamilton; praying for the repeal of the Act 18 Vic. intituled, "An Act to authorize the sale of certain Lands described as Lots numbers five and six in Division A. of the Township of Guelph, and the re-investment of the proceeds for the object of the Trust," and that she may be empowered to sell the said Land.

Of John Fleming, of the County of Stanstead; praying to be indemnified for damage done to his property, by the making of a Road through the same.

Of W.P. Cook and others, Trustees of the Charleston Academy; praying for an aid.

Of Levi Bigelow and others, Trustees of the Georgeville High School; praying for an aid.

Of the Reverend L.H. Dostie and others, of the Parish of St. Edouard de Gentilly, County of Nicolet; praying for an aid to erect an Academy in the said Parish.

Of the Reverend J.O. Prince, Curé, and others, of the Township of Arthabaska; praying that a Registry Office may be established in the Parish of St. Norbert.

Of the Reverend F. Morrison and others, of the Parish of St. Cyprien; praying aid for an Academy in the said Parish.

Of Thomas Bégin, of Rivière Ouelle, School Teacher; representing that he has been Schoolmaster in the said Parish for two years, and that he has received no salary for the same, and praying relief.

Of F. DeGuise and others, of the Parish of Ste. Anne de la Pocatière, in the County of Kamouraska; praying for an aid to build a Wharf in the said Parish.

Of the Reverend Charles L. Garceau and others, of the Parish of St. Antoine de la Rivière du Loup, County of St. Maurice; praying that the said Parish of St. Antoine may be declared the chief place of the County of Maskinongé.

Of W. Abbott and others, Directors of the Mutual Fire Insurance Company of the County of Two Mountains; praying for additional powers.

Of Joseph Fafard Esquire, J.P., and others, of the Parish of L'Islet, in the County of L'Islet; and of the Mayor, Aldermen, and Councillors of the City of Quebec; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of W.R. Dunkerley and others, of the Township of Durham, in the County of Drummond; praying certain amendments to the Act to make better provision for the appropriation of monies arising from the Lands heretofore known as the Clergy Reserves.

Of the Municipality of the Township of Caistor, in the County of Lincoln; and of the Reverend C. Sylvester and others, of Wawanosh, Ashfield, and Colborne; praying for the passing of a Prohibitory Liquor Law.

Of C.C. Libbey and others, of the Township of Ascot; of J.G. Robertson,

(748)

Mayor, and others, of the Town of Sherbrooke; of Christopher Wurtele and others, of the Township of Windsor, County of Sherbrooke, District of St. Francis; and of L.W. Decker and others, of the Townships of Roxton and Ely, in the County of Shefford; praying that no change may be made in the present Municipal Laws.

Of the Town Council of the Town of Brantford; of the Municipality of the Village of Paris; and of the Municipality of the Township of Brantford, in the County of Brant; representing that they are Stockholders in the Buffalo, Brantford, and Goderich Railway Company; and praying for an aid to complete the said Railroad.

Of Ignace Couture and others, of the Parish of Notre-Dame de la Victoire, in the County of Levis; praying for certain amendments to the Bill to reform the Municipal system of Lower Canada, and to establish County, Parish, and Township Municipalities therein.

Of Mrs. F.X. Roy and others, Directresses of the Asylum of the Good Shepherd at Quebec; praying for an Act of incorporation under the name of the Sisters of the Asylum of the Good Shepherd of Quebec.

Of Henry Bennie and others, of the Seignior of Beauharnois; praying for the passing of an Act to validate the acts performed by the Reverend Alexander McWattie, with respect to their legal and civil effects.

Of the Reverend J.J. Archambault and others, of the Parish of St. Timothée, in the County of Beauharnois; praying aid for two Educational Establishments in the said Parish.

Of the Municipality of the Township of Nepean; praying for the passing of an Act to legalize the Assessment in the said Township for the year 1854.

Of Joseph Bouchette, Esquire; praying for an aid to enable him to publish an Atlas of Canada.

Of Ichabod Smith and others; praying that the basis of direct taxation be so enlarged that whatever Assessments it may hereafter be necessary to levy for general or local purposes, be rated upon every species of property and source of income indiscriminately.

Of Charles C. Colley and others, residents in the Eastern Townships; praying for a Poor Law.

Of G. Benjamin, Chairman, and E. Murney, on behalf of a Meeting of the Inhabitants of the North Riding of the County of Hastings; praying that an additional sum be voted out of the Consolidated Revenue of this Province in aid of the Patriotic Fund.

Of Stephen H. Schuyler and Thomas Crawford, of the Village of Huntingdon, in the County of Huntingdon, Traders; praying for the passing of an Act to compel the present Local Municipal Authorities representing the late Council of the Municipal District of Beauharnois, to pay them their claim for the erection of a Bridge across the River Chateaugay.

Of Peter Pearce, Reeve, and others, Town Councillors of the United Townships of Asphodel, Belmont, and Methuen; praying for an Act of incorporation to construct a Railroad or Train Road from some point on the Cobourg and Peterborough Railroad, through the Townships of Otonabee, Asphodel, and Belmont, to the Marmora Iron Works.

Of the Reverend N.C. Fortier, Curé, and others, Founders of the College of St. Michel, in the County of Bellechasse; praying for an aid.

Of the Reverend N.C. Fortier, Curé, and others, School Commissioners of the Village of St. Michel de Bellechasse; praying for aid for a Female Superior Educational Establishment in the said Village.

Of R. Michaud and others, School Commissioners of the School District of St. Alexander, County and District of Kamouraska; praying aid for the construction of a School-house.

(749)

Of O.E. Casgrain, President, and others, Directors, and others, of the Agricultural Society of the County of L'Islet; praying for an aid.

Of P.A. DeGaspé, Esquire, and others, of St. Jean Port Joli and other places, in the County of L'Islet; praying that the County of L'Islet may be separated from the County of Montmagny for Registration purposes, and that the Registry Office and Municipal Council be transferred to the Parish of St. Jean Port Joli.

Of the Reverend F.P. Portier, Curé, and others, Church-wardens, and others, of the Parish of Pointe-aux-Trembles, District of Montreal; praying aid for an Academy in the said Parish.

Of James Smith, senior, and others, of the County of Lanark; of J.B. Powell and others, of the County of Leeds; and of Peter Cole and others, of the County of Leeds; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of Alexander McNabb, Reeve, of the Township of ... Saugeen, and others, of the County of Bruce; praying for an Act of Incorporation for the construction of a Pier or Piers at Saugeen.

Of C.J. Forbes, Esquire, and others, Electors of the County of Argenteuil; praying (sic) that no change or alteration may be made in the limits of the said County.

Of William Mackey and others, Freeholders, of the Township of Marlborough; and of John S. French and others, of the Village of Burritt's Rapids, Township of Oxford, in the County of Grenville; praying that a portion of the Township of Oxford may be annexed to the County of Carleton.

Ordered, That the Petition of Stephen H. Schuyler and Thomas Crawford, of the Village of Huntingdon, in the County of Huntingdon, Traders, and the Peti-

tion of the Reverend W. Pollard and others, the Ministers and Trustees of the Wesleyan Methodist Congregation of Quebec, be printed for the use of the Members of this House.

Ordered, That Mr. Langton be added to the Select Committee to which was referred the Bill to amend the Municipal Corporation Acts.

Sur motion de MR. COM. PUB. WORKS LEMIEUX,¹

(749)

Ordered, That the Petition of Ignace Couture, and others, of the Parish of Notre-Dame de la Victoire, in the County of Levis, be referred to the Committee of the whole House to which was referred the Bill to reform the Municipal system of Lower Canada, and to establish County, Parish, and Township Municipalities therein.

Ordered, That Mr. Egan have leave to bring in a Bill to prevent furious driving on certain Highways in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

On motion of Mr. Mackenzie, seconded by Mr. DeWitt,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that the Prothonotaries and Sheriffs of the Districts of Montreal and Quebec be directed to make Returns, for the information of this House, shewing the amount of money in their hands remaining unclaimed, and to whom belonging, naming the estates or persons, with the amounts severally set apart for them; also, the whole amount of monies in their hands, and ordered for distribution by the several Courts, but not paid over, giving in each case the amount collocated, with the names of the respective parties to whom the money is due or awarded.

Ordered, That the said Address be presented to His Excellency the Governor

(750)

General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Holton moved, seconded by Mr. Whitney, and the Question being put, That the 62nd Standing Rule of this House be suspended as regards the Bill from the Legislative Council, intituled, "An Act to amend the Act incorporating the Montreal Telegraph Company"; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Bellingham, Biggar, Blanchet, Bourassa, Brodeur, Cartier, Casault, Cauchon, Chabot, Chisholm, Cook, Crawford, Crysler, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Gill, Guévrement, Holton, Jackson, Loranger, Mackenzie, Masson, Mongenais, Joseph C. Morrison, Munro, Papin, Patrick, Pouliot, Powell, Prévost, Rankin, Roblin, Sanborn, Sidney Smith, Spence, Terrill, Thibaudeau, Whitney, and Young.--(47.)

NAYS.

Messieurs Aikins, Bell, Brown, Burton, Cameron, Cayley, Chapais, Chauveau, Clarke, Delong, Dionne, Felton, Fergusson, Ferrie, Foley, Fournier, Gould, Hartman, Jobin, Langton, Larwill, Lumsden, Macbeth, John S. Macdonald, Sir A.N. MacNab, Mattice, Murney, Niles, O'Farrell, Poulin, Scatcherd, Shaw, Solicitor General Smith, Somerville, Stevenson and Wilson.--(36.)

So it was resolved in the Affirmative.

Ordered, That Mr. Felton have leave to bring in a Bill to suspend parts of the Acts regulating the Notarial Profession in Lower Canada in so far as they relate to the District of St. Francis.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. MACKENZIE moved that a certain part of the journals of the Upper Canadian Parliament containing a vote of thanks to the late Joseph Hume, Esq., be now read. He stated that he meant to follow up this motion by two others as follows, viz:--1st. That this House desires to express its high sense of the long and faithful services of the late Joseph Hume, Esq., in the British House of Commons and as the able, earnest and untiring advocate of every movement for the benefit of the world at large; and especially to record its grateful remembrance of Mr. Hume's zeal and fidelity in promoting the civil and political liberties of the people of Canada. 2nd.--That Mr. Speaker be directed to communicate the foregoing resolutions to the surviving members of the family of the late Mr. Hume. He proceeded to say that when Canada was a young and weak country, Mr. Hume was found to be a tower of strength in defence of her liberties, and he (Mr. McKenzie) had had the pleasure of being present when the Upper Canadian Assemb⁽¹⁾y returned him thanks with cheers which set all decorum at defiance.² Those struggling for the liberties of this country found in him a firm, and active friend. It was now nearly 30 years ago that he (Mr. M.) was present when the Legislature of Upper Canada thanked Mr. Hume for removing a difficulty relative to civil rights which neither the Courts of Law, nor the Government of England, nor the different parties into which the colony was divided, could before remove, and they gave him a vote of thanks with such an enthusiastic cheer as set decorum at defiance.³ He desired following up what was done then to present an address of condolence to the family of Mr. Hume.⁴ The colonies of Great Britain were not represented in the British Parliament, but many occasions arose on which they required to have some one that would speak for them there. This was particularly the case as regarded Canada, and both Upper and Lower Canada had often acknowledged that Mr. Hume had, at all times and most disinterestedly, stood forward to advocate their rights and liberties, without money, without price, and without any hope of reward. (Hear, hear.)⁵ When a young man he (Mr. M.) admired Mr. Hume. He knew that abuse was showered on him; but he knew that when the deceased gentleman came from India, and went into the House a tory, like many other tories, he had wanted to reform everything which he saw wrong.⁶ His first constituents (Weymouth) were not pleased with this, and he subsequently became member for Aberdeen, Brechin⁷, Kilkenny and Montrose⁸, and set himself to what he (Mr. M.) had also humbly attempted to do in Upper Canada--the work of looking into the management of the public money.⁹ At that time he had few friends, but amongst them was Mr. Lambton, afterwards Earl of Durham, ((who)) with some others divided the

House of Commons all night till Lord Castlereagh gave up his opposition to their views¹⁰. Mr. Lambton ... aided him powerfully in compelling government to make returns, and as the facts spread over England, public attention was roused to the abuses that prevailed, and ultimately Parliamentary Reform was carried.¹¹ He and Mr. Brougham then took up the subject of education; and soon after Mr. Hume assisted most powerfully in carrying that great measure--the Reform Bill.¹² So much esteemed were his services by the Whigs and Reformers, that, Lord John Russell taking the lead, they got him elected in 1830, as the representative of Middlesex, the metropolitan county of England including London, the capital of the empire, and he continued to represent it for seven years. He (Mr. M.) was in London at his second election and felt proud in having an opportunity of accompanying Mr. Hume to the hustings, with the view of hearing him speak. He was not a remarkable speaker, but he was earnest and honest and a hard worker. (Hear, hear.) Other men said big words--Joseph Hume did great actions. (Hear, hear.) Men of all parties would now admit this. He well recollected how the magnanimity of the late Sir Robert Peel was shown, in rising in his place in Parliament, and declaring that a more useful member than Joseph Hume had never sat within the walls of the House of Commons. This testimony from Sir Robert Peel he admired as one of the best acts of that excellent and candid man. Having triumphed over many difficulties, Mr. Hume succeeded in his later years in getting the good will and respect of all parties, not because he was a Whig or because he was a Tory, but because his aim was to work for the common benefit of the world at large. He held no office under the crown, and he desired no office. Having brought with him from India an independent fortune and married the amiable daughter of an East India proprietor, he sat down in the House of Commons as an independent man to work for his country and his country alone. (Hear, hear.) And it might well have been a proud day of his life when Lord Palmerston, Lord Derby, Mr. Disraeli, Lord John Russell and other noblemen and gentlemen of the highest standing in the various parties which divide Britain, went to Bryanston Square to present his portrait to his wife, shewing that they had forgotten party feelings and could afford to shew respect for an aged statesman whose laborious and useful life had been occupied in doing the best he could to benefit the whole people. (Hear, hear.) When in London he (Mr. M.) had had an opportunity of seeing the immense number of presents that had been given to Mr. Hume by the public. He could not have witnessed a more remarkable sight as shewing how his hand had been in everything connected with the legislation of England. It was Mr. Hume who stopped the operation of the old Contribution Laws,¹³ ((OR)) the combination laws,¹⁴ abolished the laws preventing the exportation of machinery, enabling Mr. Fulton after much difficulty, to try steam as a motive power on the waters of the Hudson.¹⁵ It might be interesting to the House to be reminded that when Fulton was getting up his steamboat he had to go to Paris and to prevail upon the ambassador there to go over to England and speak to Mr. Addington, before he could get a single steam engine shipped from England. So again when workmen who presented themselves at Liverpool to emigrate to the United States were punished for doing so, Mr. Hume was the person who interfered in their behalf.¹⁶ When Parliamentary Reform was being struggled for, no one did more to assist it than Joseph Hume, and, in our own Parliamentary struggles in this colony whenever we wanted a sincere friend to speak for us in the House of Commons, who more ready, who more true and faithful than Joseph Hume? (Hear, hear.) Another characteristic of Mr. Hume was his readiness to bring forward able and deserving men. Mr. Roebuck, now so distinguished a member of the English House of Commons, owed his start in humble life to Mr. Hume. Lord Sydenham, then Mr. Poulett Thompson, and afterwards

Governor of Canada, owed his first election to the House of Commons to Mr. Hume.¹⁷ Mr. Hume had an advantage in some respects over men quite as good as himself, in a freedom from aristocratic convictions¹⁸ ((OR)) connections¹⁹ which left him free to act in a manner which could hardly have been expected from a person trammelled by such parties.²⁰ He was a member also of the East India Board of Directors, and in that capacity contributed to remove many of the abuses that had disgraced the management of the British Empire in the East. Mr. Hume, having been defeated by a small minority in Middlesex, O'Connell vacated Kilkenny and asked him to do Ireland the honour of being one of her representatives. He had thus represented in Parliament, England, Scotland, and Ireland, in their turn. The university of Aberdeen also twice elected him as Lord Rector. In every Reform that was to benefit the human race, Mr. Hume was always ready to stand in the foremost rank, and it was on that account he had risen to the high position which he was universally admitted to have occupied, and yet he was but a poor widow's son, born in the same county of Scotland as he (Mr. M.) himself belonged to. His father was a shipmaster, and his mother left a widow, struggled hard to give him the education which with the native goodness of his heart, had made him what he was. (Hear, hear.)²¹ He sailed as an assistant surgeon for India.²² He acted at the same time as surgeon, post-master, and Commissariat officer, and thus in every station acted for his countr((y)) and the good of the world.²³ There he acquired a knowledge of the native languages and became an interpreter during the Mahratta war.²⁴ He powerfully aided Catholic Emancipation. Equal rights to all was his motto through life.²⁵ There were precedents for the course he now proposed to take--the example, as we understood of Mr. Weightman, an officer of the House of Commons and that of the case of the Princess Charlotte, and certainly none more than the family of Mr. Hume deserved such a mark of respect at the hands of the Legislature of Canada. How often did he interpose? How willing had he been on all occasions to go to the Colonial office in order to get justice for the colony. Even O'Connell himself could do no more than he did.²⁶ When the people of England and Scotland had Municipal Corporations, in their cities and boroughs, that were self-elected and corrupt, it was Joseph Hume who stood first in the band that put an end to that system, and gave the people their municipal rights so too of free trade--he was Sir Robert Peel's instructor there. One might stand for days and talk of the wonderful things that were done by that man, and how his iron frame stood it out so long he could not understand. Thirty years of public life had finished the Emperor Nicholas, but Hume lived to be 79. He was born in January, 1777. Mr. Mackenzie then referred to the warm friendships manifested for Mr. Hume by the late Lord Panmure, an eminent Whig nobleman, and father of the present minister of War. He alluded also to the manner in which Mr. Hume had distinguished himself while in India, and to his services in procuring Parliamentary Reform for Scotland, where there used to be only 3000 electors among upwards of two millions of population. He said he had proved himself to be not a party man but a friend of the human race, and concluded by reading the eulogium pronounced upon him at the time of his death by Lord Palmerston, the head of a Government ruling 200 millions of the human race.²⁷ The noble Lord said that it had once been said of a celebrated man that:--"He for party gave up what was meant for mankind" but that Mr. Hume just reversed that conduct.²⁸ Lord Palmerston, he mentioned, received his education like Joseph Hume, at the Edinburgh University, at the period when Dugald Stewart was its most distinguished ornament²⁹, and if he could speak thus, how ought Canadians to speak who must feel their obligations to him. He would like to hear the hon. member for Renfrew say something on this head.³⁰

MR. PRES. EX. COUN. MACNAB agreed very much in what had been said of the character of Mr. Hume. He had been a long time in Parliament, was much respected, and in his latter days secured the kind feeling and good will of many members of the House of Commons who were formerly bitterly opposed to him. But this motion recalled matters in the history of this country which they had all agreed to forgive and forget. He should not follow the bad example which had been set by alluding to those matters further. But he did not see why the House in the present instance should not be called upon to do what it had never done before. Since he (Sir Allan) had had a seat in the House, the English Parliament had lost some of its most distinguished members but on no previous occasions had they been called upon to vote an address of condolence to the widow of the deceased individual. No such motion was made on the death of the Duke of Wellington. And when Sir Robert Peel, than whom no one stood higher in the Empire, was suddenly snatched by a fall from his horse from his people and from his family, no one thought it necessary to move an address of condolence to Lady Peel. When it pleased God to take from his country Daniel O'Connell,³¹--a most distinguished Irishman, who had exercised an immense amount of influence in the British House of Commons, no such motion was made.³² Nor were they called upon to vote such an address when Lord George Bentinck, a man who rose very rapidly in the opinion of the people, was removed by sudden death from his family and his friends. Why then this occasion should be selected by the member for Haldimand and the member for Lambton to depart from the general rule, he could not understand, knowing all that had taken place, and even admitting that he was a good, a kind man, a sturdy Reformer of 30³³ ((OR)) 39³⁴ years' standing in Parliament.³⁵ But he was opposed to establishing the principle that on every occasion of the death of an eminent English statesman, this House should be called upon to vote resolutions of condolence.³⁶ His connexion with this country he did not want to refer to, and if his name was prominently used throughout the length and breadth of the land on an occasion which would be deplored by every right thinking man in the country, he did not think it was necessary to bring that matter up again. He did hope that the House would not on the present occasion feel called upon to adopt the resolution of the hon. gentleman opposite.³⁷

MR. BROWN said that, in seconding the motion, he had not had the least desire to awaken any painful feelings that might at a former period have been entertained in this Province. He had done it simply because he thought that the position held by Joseph Hume not only as a member of the Imperial Parliament, but as a friend of humanity throughout the world, entitled him to this token of respect to his memory on the part of this House. (Hear, hear.) It might be that there were recollections on the minds of some members of this House, which might make them hesitate in voting such an address. He (Mr. Brown) was not in this country at the time the circumstances occurred which excited those feelings, and he was not in a position to judge of them properly, but so far as he did understand them, he did think there was nothing in those circumstances which should prevent hon. gentlemen from forgetting the past in the eminent services it admitted to have been rendered by Mr. Hume. (Hear, hear.) He was sure there was no one acquainted with the political history of Great Britain during the last forty years, but must feel that Joseph Hume had established for himself a title to the gratitude of every British subject, and of every man who desired the advancement of liberal principles, to which Joseph Hume had contributed more, perhaps, than any of his co((n))temporaries. (Hear, hear.) It might be that it was unusual to bring forward such a resolution as the present; but the

event that called it forth was also unusual. He had not turned up the journals to look for precedents, but having, within the last few minutes, been asked to second the resolution, he felt it was one of those things which he could not refuse to do, for his whole heart went along with it. His earliest recollections connected with politics were linked with the name of Joseph Hume. At the time when he first took an interest in public affairs, the struggle for Borough Reform was going on in Scotland and the name of Joseph Hume was prominent in the struggle; he had since watched his proceedings with much interest, and had always found him ranged on the side of liberty, and of every measure tending to ameliorate the condition of our race. (Hear, hear.) The gallant knight asked why a resolution of respect should be recorded on the death of Mr. Hume, when none was proposed on the death of other parties whom he named, but there was this great distinction between the cases that Mr. Hume was never a party man. (Hear, hear.) So far as his particular views were concerned, he was always ready to stand up for them, but he was never found sacrificing for the sake of this party one single principle he ever held, and often he was found opposing his party when what he conceived to be principle was in question. He was not an aspirant for office--he sought only the advancement of his principle. The Duke of Wellington had been named, but he occupied a very different position from that of Joseph Hume; his services had been acknowledged in every way possible throughout the Empire and no address that they could have passed would have added to previous tributes. Joseph Hume never held office, he was never in a position to receive those valuable public testimonies of popular approbation, which were heaped upon the Duke of Wellington. The same remark would apply to Sir Robert Peel. Perhaps the only case approaching a parallel cited by the hon. Premier was that of Daniel O'Connell; and if an address had been moved on the occasion of O'Connell's death no doubt the House would have taken it into consideration. The hon. Premier also named Lord George Benticuk (sic), noble man, whose claims on their esteem, he (Mr. Brown) could not for a moment consent should be brought into comparison with those of Joseph Hume, compared with whom Lord Bentinck was but a politician of yesterday. In England no party feelings had been allowed to interfere with the respect shown to the memory of Mr. Hume. All parties whether Tory, Conservative, or Reform, all joined in paying that tribute of respect, and he did not think that party feelings should prevent them from taking the same course here. (Hear, hear.) He considered also that it was by no means ((an)) inexpedient thing to take this mode of showing that the people in these colonies had their eyes fixed on the statesmen of England, (Hear, hear.) It would be well to let Imperial Statesmen understand that it was not only to the people of England they might look for approbation when they did good service to the Empire, but also to the colonies, and probably there would never be a better opportunity offered them than this of recording a tribute of respect in favour of a deceased English Statesman. Joseph Hume spent his life in the service of his country--and he knew of no public man now living equally entitled to the gratitude of the British people.³⁸

MR. HINCKS said the member for Hamilton (Sir Allan Macnab) had said they ought to forget the past.³⁹ ((He)) addressed the House on account of the reference made to him by Mr. McKenzie. So far as he was concerned, he had nothing to forget in reference to Mr. Hume, for he had been an ardent admirer of that gentleman, especially on account of his behaviour to this country.⁴⁰ He had had the honour of forming his acquaintance and of enjoying his hospitality, and entertained a great respect for his character, and it was therefore, with great regret that he found himself obliged to oppose the motion of the hon. member for

Haldimand. He thought the precedent an inconvenient one, and though in no place did Mr. Hume stand higher than in the English House of Commons, of which he was so distinguished an ornament, they did not find that that body had thought it necessary to place such a resolution on their journals. He was surprised at the argument of the hon. member for Lambton in reference to the Duke of Wellington, that no similar tribute had been paid to him, because his qualities and services were so transcendent as not to require it. This implied that such tributes should be paid to those who were not of the most distinguished class.⁴¹ But the fact was that it would be very inconvenient for one member to propose such an address in the case of one statesman, whose politics he approved, and another in that of another statesman for whose opposite politics he might have a preference. Otherwise, if any such address were to be voted, he would do so in no case more cheerfully than in the present.⁴² He thought that to agree to this resolution would be a dangerous precedent, and that the member for Haldimand should be satisfied with having given hon. members an opportunity of expressing their feelings without making any formal record on their journals.⁴³

MR. BROWN explained that, in referring to the Duke of Wellington, he had spoken not of his services, but of his position as being a very different one from that of Joseph Hume. It was somewhat remarkable, however, that the member for Renfrew and the hon. Premier should have both cited the course pursued on the death of the Duke of Wellington, as an argument against this motion, when it would be remembered that on the intelligence of the Duke of Wellington's death being received, the House immediately adjourned, on the motion of the gallant Knight himself, to show their sense of the loss which the country had sustained. (Hear, hear.)⁴⁴

MR. CHAUVEAU did not think the argument advanced by the member for Renfrew sufficient to justify the rejection of the resolution. He (Mr. Hincks) had admitted the great service rendered by Mr. Hume but feared the precedent that would be established. It was said that it was unusual to pass resolutions of this kind, but he would remind the House that such men as Mr. Hume were quite as unusual. He was in favor of passing the resolution because Mr. Hume had been the eminent friend of Canada in the House of Commons.⁴⁵

MR. LORANGER had heard gentlemen express their surprise that no mention had been made in the House of the death of Mr. Hume. He admitted that the proceeding was open to objection, but thought a tribute necessary to the memory of Mr. Hume for his eminent services to Canada. He would vote for the motion, but suggested a postponement that members might have an opportunity of examining the Journals.⁴⁶

MR. A. DORION (Montreal,) saw no objection to the motion, and thought every Lower Canadian should vote for it.⁴⁷

MR. MACKENZIE replied to some of the remarks which had fallen from Mr. Hincks and Sir Allan Macnab,⁴⁸ taxing Mr. Hincks with ingratitude for refusing to vote for the motion, and quoting against him the words of the Gospel, "Behold ten lepers are cleansed, but where are the nine." He also gave a few more particulars of the career of Mr. Hume, and mentioned that to show its respect for the Duke of Wellington, the House had adjourned. He had no doubt that the mention of Mr. Hume might recall some unpleasant recollections to the gallant knight; but he had always acknowledged that hon. member to possess many

noble qualities and he therefore had hoped he would not have resisted the motion.⁴⁹

MR. SOL. GEN. H. SMITH (hear hear).⁵⁰

MR. MACKENZIE concluded by expressing an opinion that Mr. Smith was not so likely to vote for such a motion as the premier seeing that he was educated in a hardy school of politics (sic).⁵¹

DR. MASSON had no great objection to the motioe (sic), but believed the House would have no time to vote all these things. If this were done now, probably the next thing would be to vote an address to the widow of the honorable member for Haldimand. He had done something for his country, and so (Mr. Masson) thought, had he, therefore, when he died there must be an address for him.⁵²

MR. POST. GEN. SPENCE after condemning Mr. McKenzie for saying that Mr. Smith (Frontenac) had been brought up in a hardy school of politics opposed the motion for the reasons similar to those already given by Sir Allan, and Mr. Hincks.⁵³

MR. BELLINGHAM, spoke against the motion, taking up precisely the same ground as the previous speakers, that it was "a bad precedent."⁵⁴

(750)

Mr. Mackenzie moved, seconded by Mr. Brown, and the Question being put, That the Entry in the Journals of the House of Assembly of the late Province of Upper Canada, for the year 1828, page 76, recording the Thanks of the House to Joseph Hume, Esquire, M.P., for his zeal in behalf of the Civil and Political Liberties of the People of the Province, be now read; the House divided: and the names being called for, they were taken down, as follow:--

(750-751)

YEAS.

Messieurs Aikins, Blanchet, Bourassa, Brown, Burton, Chauveau, Christie, Cook, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Ferrie, Foley, Frazer, Gould, Guévremont, Hartman, Holton, Huot, Jobin, Laberge, Lumsden, Mackenzie, Marchildon, Munro, Papin, Poulin, Prévost, Sanborn, Scatcherd, Sidney Smith, Wright, and Young.--(36.)

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NAYS.

Messieurs Bell, Bellingham, Biggar, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chisholm, Clarke, Crawford, Crysler, Jean B. Daoust, Delong, Desaulniers, Attorney General Drummond, Felton, Fergusson, Ferres, Fournier, Gamble, Gill, Hincks, Langton, Laporte, Larwill, Lemieux, Macbeth, John S. Macdonald, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Angus Morrison, Murney, O'Farrell, Patrick, Pouliot, Powell, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Thibaudeau, Whitney, and Yeilding.--(54.)

So it passed in the Negative.⁵⁵

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to extend the provisions of the Act to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Companies," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to extend the provisions of the Act to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Companies," was read for the first time.

On motion of the Honorable John Sandfield Macdonald, seconded by Mr. Hartman,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of the Instructions given to Counsel on the Address of this House, of the 28th July, 1851, praying His Excellency to take the necessary steps for bringing to adjudication the question of the legality of the establishment of the Rectories in Upper Canada; also, a statement of the several steps in the prosecution of the matter which have been taken, in the Court of Chancery, up to the present time, with copies of the proceedings in the said Suit, the names of the Counsel retained, and the particulars of the expenses incurred, with copies of all the taxed costs and disbursements to this date; also, copies of all Correspondence between the Government and the Colonial Office, with copies of Minutes of Council on the same subject, and the results of any interviews between any of the Provincial Ministry who visited England, and the Authorities there, in respect thereto, and for such causes in detail as His Excellency can give, explanatory of the unusual delay in the conducting of the Suit from 1851 to the present time.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

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Ordered, That the Honorable Mr. Spence have leave to bring in a Bill to amend the Act 16 Vic. cap. 54.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Jobin have leave to bring in a Bill to amend an Act passed in the seventh year of Her Majesty's Reign, and intituled, "An Act to authorize the Mayor, Aldermen, and Citizens of Montreal, to purchase, acquire, and hold the property now known as the Montreal Water Works;" and also, a certain other Act passed in the sixteenth year of Her Majesty's Reign, and intituled, "An Act to authorize the Mayor, Aldermen, and Citizens of the City of Montreal, to borrow a certain sum of money, and to erect therewith Water Works for the use of the said City, and to extend and amend the provisions of any Act relating thereto."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Fournier have leave to bring in a Bill to divide Municipality No. 1, of the County of L'Islet, into two separate Municipalities, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Mackenzie, seconded by Mr. Aikins,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to lay before this House, for its information, a copy of each Report by an Engineer and by the Railway Board, in consequence of which any part of the sum of One million eight hundred and eleven thousand five hundred pounds, in Provincial Debentures, or the proceeds of the sale thereof was, under Orders in Council, paid to the Grand Trunk Railway Company, or their Agents on their behalf.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Jean Baptiste Eric Dorion have leave to bring in a Bill to provide for the Survey of a certain part of the Township of Durham.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The Order of the House of Friday the ninth instant, granting leave to John McLaren, Deputy Returning Officer for the Parish of St. Fidèle, at the late General Election for the County of Saguenay to produce witnesses in support of his defence, being read;

And the House being informed that John McLaren attended at the door, he was called in.

On motion of Mr. Loranger, seconded by Mr. Desaulniers,

Ordered, That leave be granted to Mr. McLaren to be assisted by Counsel.

François Réal Angers, Esquire, then appeared as Counsel for Mr. McLaren.

Ordered, That Edward Jones, Esquire, of the City of Quebec, Advocate, be examined as a witness on the part of Mr. McLaren.

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And the House being informed that Mr. Jones attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By Mr. Desaulniers:--

1. Are you not Edward Jones, of the City of Quebec, Advocate?--I am.
2. Were you in the Parish of St. Etienne de La Malbaie, towards about the end of July and in the commencement of August last, that is to say, at the time of the Election before last for the County of Saguenay?--I was.

3. Do you know whether John McLaren was Deputy Returning Officer for the Parish of St. Fidèle at the said Election?--Yes, he was such Deputy Returning Officer.

4. Had you occasion to see the said John McLaren on the evening of the last day of the voting in the Parish of St. Etienne de La Malbaie, after he arrived from St. Fidèle, and to ascertain from him the number of votes registered during the two days of the voting, and please repeat the conversation you had with him on that subject?--I had occasion to see the said John McLaren after the closing of the Poll at the said Election, and I ascertained from him the number of votes polled in the said Parish of St. Fidèle. I inquired of the said John McLaren the number of votes that had been so polled, and he informed me that the number amounted to, I believe, about 230. He informed me at the time that he had given that number to the representative of Jean Langlois, Esquire, who was then contesting the County with Pierre Huot, Esquire, the present Member for the said County, and that fact was confirmed by the said Jean Langlois upon my asking him the question whether such were the fact.

5. Is it not true that the said John McLaren told Mr. John Langlois, one of the Candidates, and his agents, the number of votes that had been registered at St. Fidèle, and please state what you know on that subject?--That question is answered by my answer to the last interrogatory.

6. Are you aware that immediately after the days of the voting, and before the Proclamation, the said John McLaren left St. Etienne de La Malbaie in the steamer, to go to Chicoutimi?--I am not personally aware of that fact, but it was so publicly stated at the time throughout the Parish of Malbaie.

7. Please state for what reason, to the best of your knowledge, the said John McLaren left St. Etienne to go to Chicoutimi?--I am not personally aware of the reasons which induced the said John McLaren to go to Chicoutimi, except from having been informed by himself and others in the Parish that he had gone there to use his influence in favor of the Honorable A.N. Morin, whose Election it was stated was not certain in the County of Terrebonne, and that it was intended to bring him forward as a Candidate for the County of Chicoutimi, should he not succeed in being elected for the County of Terrebonne.

8. Are you not aware that the said John McLaren did not return from Chicoutimi until after the Proclamation of the Member returned?--As I stated before, I am not personally aware of his having gone to Chicoutimi; but I saw him for the first time on the Sunday following the day of the Proclamation.

And then he was directed to withdraw.

On motion of Mr. Loranger, seconded by Mr. Desaulniers,

Ordered, That Mr. Romualde Maltais, of the Parish of St. Fidèle, be examined as a witness on the part of Mr. McLaren.

And the House being informed that Mr. Maltais attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By Mr. Desaulniers:--

9. Are you not Romualde Maltais, of the Parish of St. Fidèle, Justice of the Peace?--Yes, I am.

10. Is it not true that you were present at the Poll at St. Fidèle on the second day of the voting at the last Election but one for the County of Saguenay, and that you represented Mr. Jean Langlois, one of the Candidates?--

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Yes, I represented Mr. Jean Langlois at the Poll at St. Fidèle on the second day of the voting.

11. What, as far as you are aware, was the conduct of Mr. John McLaren, in his capacity of Deputy Returning Officer at the said Poll at St. Fidèle, with reference to the voting and registration of votes?--Mr. John McLaren's conduct as Deputy Returning Officer, was frank, honest, and impartial.

12. Is it to your knowledge that the said John McLaren refused to receive a number of votes which were evidently illegal, from persons who were desirous of voting several times, and from children and others?--Yes, Mr. McLaren, to my knowledge, refused to take down the names of persons who came to vote a second time, and of other persons who were not qualified to vote at the said Election, among others, those of children.

13. Is it not true that you did yourself, in your capacity of Magistrate, administer the oath to the said John McLaren with reference to his certificate and return of the Poll-book of St. Fidèle, that the said oath and certificate were annexed in your presence to the said Poll-book?--Yes, in my capacity as Magistrate, I administered the oath to the said John McLaren as Deputy Returning Officer at the closing of the Poll, and I signed my name at the foot of the votes in the Poll-book of St. Fidèle. The oath and certificate of Mr. McLaren were annexed in my presence to the said Poll-book.

14. What, to the best of your knowledge, was the number of votes then registered in the said Poll-book and certified by the said John McLaren?--There were about 230 votes in the Poll-book which had been certified by Mr. McLaren.

15. Is it not true that the said John McLaren then stated what was the number of votes registered; state what was the number of votes he declared to be contained in the Poll-book?--The number of votes which Mr. McLaren declared to be registered in the Poll-book was, as I have already stated in my last answer, 230.

16. Is it not true that, at the closing of the Poll, the said John McLaren notified the state of the Poll to the partizans of both candidates; state the number of votes given in this statement of the Poll?--Mr. McLaren notified to both candidates the state of the Poll in writing. The number of votes registered in the Poll-book was 219 in favor of Mr. Huot, and 11 for Mr. Langlois.

17. Is it not true that the said John McLaren, after having sworn to the Poll-book, rolled it up and covered it with a paper, which he sealed?--At the closing of the Poll, Mr. John McLaren rolled the book in a paper, which he sealed in my presence.

18. Is it not true that the said John McLaren then said that he could not himself take the Poll-book to Les Eboulements, because he had to go to Chicoutimi for his wife?--I have no knowledge of Mr. McLaren having publicly said that he was going to Chicoutimi, but he told me himself that he was going there to bring back his wife, and at the same time to see his mother, who was ill, and on his way to canvass in favor of Mr. Morin, if he was not already elected in the County for which he had come forward.

19. Is it not true that he then said that he would send his Poll-book to Les Eboulements by Mr. John McLeod, his Poll-Clerk, and that he did in fact charge him with that mission?--Yes, I have a knowledge of Mr. McLaren having told his Poll-Clerk, Mr. McLeod, that he, the said Mr. McLeod, would have to carry the Poll-book to Les Eboulements on the day of the Proclamation, because it was probable that he would be absent, and that he had devoted as much time as he could spare, as his wife had sent for him. He therefore commissioned his Poll-Clerk, in my presence, to carry the Poll-book to the Returning Officer on the day of the Proclamation. I saw Mr. McLaren set off for Malbaie with his Poll-Clerk, and with the Poll-book in his possession.

20. Is it not true, in short, that a day or two after the Poll, the said John McLaren started for Chicoutimi, and that he did not come back till several

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days after the Proclamation; and for what purpose did he go?--I cannot state for what purpose Mr. McLaren set off for Chicoutimi; but he told me that he was going to Chicoutimi for three reasons which I have already mentioned in my answer to one of the preceding questions. I was told Mr. McLaren had set off for Chicoutimi a day or two after the voting, and I have personal knowledge that Mr. McLaren did not return from Chicoutimi till some days after the Proclamation.

And then he was directed to withdraw.

On motion of Mr. Loranger, seconded by Mr. Desaulniers,
Ordered, That Mr. Louis Gagnon, of the Parish of St. Fidèle, yeoman, be examined as a witness on the part of Mr. McLaren.

And the House being informed that Mr. Gagnon attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By Mr. Desaulniers:--

21. Are you not Louis Gagnon, of the Parish of St. Fidèle, yeoman?--Yes, I am Louis Gagnon, of the Parish of St. Fidèle, yeoman.

22. Were you present at the Poll of St. Fidèle at the last Election but one for the County of Saguenay; be pleased to state what was the conduct of the said John McLaren in his capacity of Deputy Returning Officer, during the two days of voting?--I was present at the Poll at St. Fidèle during the two days of voting; Mr. McLaren performed his duty as Deputy Returning Officer, as far as I could see, in a frank and impartial manner. He refused in my presence to take down the votes of children who came to vote.

23. Is it not true that, at the closing of the Poll on the second day, the said John McLaren publicly announced the number of votes registered by him; and state the number of votes so mentioned?--Yes, he publicly announced in my presence at the closing of the Poll, that there were 230 votes registered in the Poll-book of St. Fidèle.

24. Is it not true that the said John McLaren gave the Poll-book to John McLeod, his Poll-Clerk, with injunctions to take good care of it, and take it to Les Eboulements in time for the Proclamation?--Yes, Mr. McLaren gave the Poll-book, in my presence, into the hands of his Poll-Clerk, at St. Fidèle. He said to him: "I place this Poll-book in your hands, take good care of it, I cannot take it myself to Les Eboulements, because I have reasons for not doing so. I have been requested by my wife who is at Saguenay, to go for her immediately, and I must visit my mother who is very poorly, and then go and support Mr. Morin during his Election, if he should come forward."

25. Did you, in the evening of the closing of the Poll, go with the said John McLaren and the said John McLeod to the Parish of Malbaie?--Yes. After the closing of the Poll I drove Mr. McLaren and Mr. McLeod up to Malbaie in my vehicle.

26. Before leaving for Malbaie did the said John McLaren roll up, cover, and seal the said Poll-book?--Mr. McLaren before leaving for Malbaie rolled up the Poll-book in a sheet of paper in my presence, and sealed it.

27. Have you any knowledge of the said John McLaren having given up his Poll-book at Malbaie to Mr. John McLeod, his Poll-Clerk; state what injunctions he then gave him?--Yes; he gave the Poll-book into his hands, at Malbaie, and said to him: "McLeod, take good care of it, it is in your charge."

28. When the said John McLaren delivered his Poll-book at Malbaie to his Poll-Clerk, was it in a different state from what it was in at St. Fidèle; was it rolled up, wrapped up in paper, and sealed?--It was in the same state as when he left St. Fidèle; that is to say, it was rolled up, wrapped up and sealed. It was I who had the Poll-book in my vehicle with Messrs. McLaren and McLeod.

29. Is it to your knowledge that the said John McLaren hired a vehicle at his own expense to carry his Poll-Clerk to Les Eboulements with his Poll-book; name the person who was so hired?--Mr. McLaren hired me to carry John McLeod to

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Les Eboulements with the Poll-book, saying, "It is I who shall pay you, Gagnon."

30. A day or two after the Poll did not the said John McLaren set off for Chicoutimi, where he remained until after the Proclamation; say why he so absented himself?--I know that Mr. McLaren absented himself one or two days after the Poll, for I saw him nowhere; I know that he started for Chicoutimi. I think he absented himself for the reasons mentioned in another answer.

31. Is it not true that the said John McLeod has disappeared, and that he is at the present time absent from Canada?--Yes, John McLeod is absent from Malbaie, and I do not know to what place he is gone; I have heard it said that he was gone to the South. I endeavoured to find him on account of business of my own, and I was unable to find him.

32. Is it not true that the said John McLeod never presented himself to the person who was to drive him to Les Eboulements, and that you have never seen him since?--Mr. McLeod never came to me to be taken to Les Eboulements with the Poll-book as agreed upon, and I have never seen him since.

33. Is it not true that when the Poll-book was delivered by Mr. McLaren to John McLeod it did not contain the sheets which have been since added?--When it was delivered into the hands of McLeod by Mr. McLaren, it had not the sheets which I have seen in it to-day.

By Mr. Casault:--

34. How many days after the voting had elapsed when John McLaren set out for Chicoutimi?--As far as I know, two or three days had elapsed since the voting, for I did not see him at Malbaie after that.

35. Where did you leave the said John McLaren and the said John McLeod at Malbaie, and to whose house did they go at Malbaie while you were there?--I left them at the house of Mr. Simard, in the suburb of Malbaie. I do not know where they went afterwards.

36. At whose house was the Poll-book at Malbaie, when you last saw it?--It was in the hands of Mr. McLeod, in front of the door of Mr. Simard's house, when I last saw it.

37. Did you search for the said John McLeod to drive him to Les Eboulements, and when were you to start?--We were to set out in time for the Proclamation. I was to have driven him to Les Eboulements in time for the Proclamation, but I could not do so, as I did not see him.

38. What is the distance between Les Eboulements and Malbaie?--It is six leagues from the Church at Malbaie to the Church at Les Eboulements.

By Mr. Loranger:--

39. What time does it generally take to travel that distance?--From four to five hours.

By the Honorable Mr. Attorney General Drummond:--

40. Examine the Poll-book and state what changes have been made thereto since you last saw it at Malbaie?--The three sets of loose sheets of yellowish

paper have been added. There were only six large sheets of blueish paper composing the Poll-book.

41. Do you know why Mr. McLeod, in the absence of Mr. McLaren, did not himself send the Poll-book to the Returning Officer?--I do not.

42. Is the said John McLeod now in the County of Saguenay; if not, state, if it is to your knowledge, at what period he left it, and where he is now residing?--He is not, to my knowledge, in the County of Saguenay. I do not know at what period he left, and I do not know where he now resides.

By Mr. Casault:--

43. Is it not true, and are you not aware, that the said John McLeod is now at Hamilton in Upper Canada?--When I was driving him last summer, he told me that he resided in Upper Canada; but I am not aware that he is there at present.

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44. Were all the votes taken down on the six sheets of blueish paper then in the book, and had the said book been closed and signed by the said John McLaren?--Mr. McLaren told me there were 230 votes on the six sheets in question. I do not know whether he had signed them, for I do not know how to read.

And then he was directed to withdraw.

On motion of Mr. Loranger, seconded by Mr. Desaulniers,

Ordered, That Mr. Thomas Simard, of the Parish of Malbaie, be examined as a witness on the part of Mr. McLaren.

And the House being informed that Mr. Simard attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By Mr. Desaulniers:--

45. Is your name Thomas Simard, of the Parish of St. Etienne de La Malbaie, Esquire, Justice of the Peace?--It is.

46. Were you in the County of Saguenay at the time of the General Election?--Yes, I was.

47. Were you present at Malbaie when John McLaren arrived from St. Fidèle on the second day of the polling, after the closing of the Poll?--Yes, I was present at Malbaie when Mr. McLaren came from St. Fidèle on the day in question.

48. Had Mr. McLaren the Poll-book with him then?--John McLeod had it in his possession.

49. Do you know what Mr. McLaren did with the Poll-book then?--It was John McLeod who had it, and Mr. McLaren told him to carry it to Mr. Duberger at the same time as the other Deputy Returning Officers.

50. Do you know whether the Poll-book was rolled up, covered, and sealed?--The said Poll-book was rolled up, and covered; I cannot say whether or not it was sealed.

51. Do you know how many votes there were in the said Poll-book; state who told you so, and how do you know it?--When Mr. McLaren arrived, I asked him how many hundred votes there were in the Poll-book, and he told me there were two hundred and some votes.

52. Do you know why Mr. McLaren did not himself take his Poll-book to Les Eboulements?--I know that Mr. McLaren's wife was then at Chicoutimi, and that she had sent for him a long time before, but that he was delayed by his being appointed Deputy Returning Officer. On the day after he arrived at Malbaie, I drove him myself to the wharf at Malbaie, and saw him embark on board the steamboat that was leaving for Chicoutimi.

53. Did Mr. McLaren come back to the County of Saguenay before the Poll-book was delivered to Mr. Duberger?--I did not see Mr. McLaren at Malbaie until two days after the Proclamation of Candidates.

54. Where does Mr. Duburger, the Returning Officer for the County of Saguenay, reside; what is the distance from the house of the said John McLaren to that of the said Mr. Duburger?--Mr. Duburger resides at Les Eboulements. The distance from Mr. McLaren's house to that of Mr. Duburger is about 12 leagues.

55. Do you think that Mr. McLaren, before the Proclamation, might, with safety, have brought the book to Les Eboulements?--I think that there would have been some danger for a single person, especially for a Deputy Returning Officer, to bring the Poll-book to Les Eboulements, as it contained a large number of votes in favor of Mr. Huot, and as the people at Les Eboulements were all partizans of Mr. Langlois with the exception of one vote.

By Mr. Casault:--

56. Is is (sic) not true that the said John McLaren delivered the Poll-book to you, and what did you do with the book after he had so delivered it to you?--He never delivered the Poll-book to me, and I never saw the said book again except on the day after the Proclamation, and it was at St. Irénée that I saw

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it. It was then in the hands of Mr. Gagné, who himself carried it to Mr. Duburger, the Returning Officer. He unrolled and delivered it up in my presence.

And then he was directed to withdraw.

On motion of Mr. Desaulniers, seconded by Mr. Thibaudeau,

Ordered, That Mr. James Alexander, of the County of Chicoutimi, be examined as a witness on the part of Mr. McLaren.

And the House being informed that Mr. Alexander attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By Mr. Desaulniers:--

57. Are you not James Alexander, of the County of Chicoutimi, Mariner?--My name is James Alexander, of the County of Chicoutimi, Mariner.

58. Is it not true that immediately after the polling in the County of Saguenay at the last Election but one, John McLaren went to Chicoutimi; and state at what time?--I saw John McLaren the first of August, 1854, at Chicoutimi. He had been stopping at my house four or five days previous to my arrival. He took passage with me for Tadousac on board of the steamer I had in charge, on the fifth of the same month.

By the Honorable Mr. Attorney General Drummond:--

59. Does Mr. McLeod reside at present in the County of Saguenay; if not, state if you know when he left it, for what reason he left the County, and where he now is?--I do not belong to the County of Saguenay, but I am certain that he is not there. He left last summer, and I do not know where he now is. I do not know the reason why he left the County.

And then he was directed to withdraw.

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Cartier, and the Question being proposed, That the further consideration of the charges preferred against John McLaren be postponed until Wednesday next, and be then the first Order of the day;

Mr. Casault moved in amendment to the Question, seconded by Mr. Felton, That all the words after "consideration" to the end of the Question be left out, and the words "of the defence of John McLaren be postponed until Tuesday the third day of April next; and that John McLeod, at present at Hamilton in Upper Canada, and Augustin Coté, of Quebec, Printer, be notified to appear at the Bar on that day" inserted instead thereof;

And the Question being put on the Amendment:--It passed in the Negative.

Then the main Question being put;

Ordered, That the further consideration of the charges preferred against John McLaren be postponed until Wednesday next, and be then the first Order of the day.

Mr. McLaren, and his Counsel, were then directed to withdraw.

Ordered, That John McLaren do again appear at the Bar of this House on Wednesday next.

The Order of the day for the second reading of the Bill to repeal part of the Act 16 Vic. cap. 184, relating to Licenses on Articles manufactured in this Province, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Crawford, Mr. Gamble, Mr. Hartman, Mr. Foley, and Mr. Stevenson, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act to amend the Act incorporating the Montreal Telegraph Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

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*Then, on motion of Mr. Clarke, seconded by Mr. Chisholm,
The House adjourned.⁵⁶*

((NOTICE OF MOTION RE: CHAMPLAIN AND ST. LAWRENCE CANAL, ETC.))

MR. YOUNG ((donne avis que)) mercredi le 11 avril ((il proposera que la chambre se forme en)) comité général pour prendre en considération les résolutions suivantes:

1. Que l'accrois((s))ement rapide de la population de la province, particulièrement dans le Canada ouest, et ses moyens étendus de production ainsi que de consommation exigent, comme un objet de la plus haute importance, de donner toute l'extension possible à la navigation océanique et intérieure de cette province, par laquelle le coût de transit entre le lieu de production et son marché le plus reculé puisse être réduit au moindre montant possible, tandis que l'effet immédiat apparaîtra dans l'amélioration des affaires de la province inférieure qui doit naturellement tourner les yeux vers les fertiles districts de l'ouest, pour offrir à ses habitants le champ que demandent leur énergie et leur((s)) ressources, et leur permettre de déployer ces efforts qui dans le Haut-Canada sont appliqués à la récolte des céréales, à laquelle sont adapté((e))s d'une manière toute particulière la fertilité de son sol et la douceur de son climat.

2. Que la politique de cette province a été jusqu'aujourd'hui de développer le commerce par la voie du St. Laurent, et des sommes considérables ont été employées à la construction des canaux Welland, du St. Laurent et de Lachine, au moyen desquels il existe actuellement une communication par eau depuis l'océan jusqu'à l'extrémité du lac Michigan et l'an prochain jusqu'à la tête du lac supérieur. Mais les résultats qu'on attendait de ces travaux ont été en grande partie frustrés par suite des facilités qui existent maintenant pour le transport des articles de fret à New-York via Buffalo, Oswego, et Ogdensburg, et qui certainement, seront considérablement développées par l'élargissement du canal Érié qui s'exécute actuellement.

3. Que tout en admettant que le vaste trafic qui suit maintenant la voie du canal Welland est une preuve incontestable de l'avantage des routes qui n'exigent pas de transbordement; il est cependant de fait, qu'à une exception à peu près insignifiante, tout le trafic destiné à New-York est transbordé à Oswego et Ogdensburg, faute d'une route par laquelle les vaisseaux des lacs puissent gagner New-York ou Boston--ne rapportent point de péages aux canaux du St. Laurent et trop éloigné des vaisseaux océaniques pour apporter aucune facilité au transport des cargaisons étrangères dans l'intérieur.

4. Que bien que l'on ne puisse nullement douter que l'effet de porter la navigation intérieure du pays à un point où elle pourra rejoindre la navigation océanique,--sera de réduire immédiatement à une même échelle les taux de fret étranger et intérieur; cependant l'on ne pourra atteindre ce but si l'on n'ouvre une route depuis ce point jusqu'à New-York et les états de la Nouvelle-Angleterre, vers lesquels se dirigent actuellement tout le commerce américain et une grande partie du commerce canadien.

5. Que le commerce considérable des bois et la prospérité générale qui se développe dans la vallée de l'Outaouais, font qu'il est d'une importance vitale aujourd'hui de donner à ce commerce les moyens d'arriver aux meilleurs marchés américains qui se trouvent maintenant libres en vertu du traité de réciprocité. Mais l'absence de toutes communications par eau entre le lac St. Louis et le lac Champlain est un obstacle très sérieux au développement de cette industrie et a l'efiet (sic) de la pousser dans des voies qui ne lui sont pas naturelles.

6. Que la position rapprochée, au lac St. Louis du fleuve St. Laurent et de la rivière Richelieu et du lac Champlain, et le peu d'élévation qu'il y a à surmonter, font voir qu'un canal entre ces points s'il a des dimensions suffisantes, est le seul moyen que l'on ait d'atteindre le but désiré; et c'est en conséquence l'opinion de cette chambre qu'il soit immédiatement pris des mesures pour construire un canal propre aux bâtiments, entre le St. Laurent et le lac Champlain.

7. Qu'une humble adresse soit présentée à son excellence le gouverneur général, priant son excellence de vouloir bien recommander les appropriations nécessaires pour mettre à effet les objets ci-dessus mentionnés.⁵⁷

((NOTICE OF MOTION RE: AMENDMENTS TO LEGISLATIVE COUNCIL BILL.))

MR. RANKIN ((donne avis que)) quand la chambre se formera en comité général sur le bill pour amender la constitution du conseil législatif ((il)) proposera certains amendements tendant à augmenter le nombre des divisions électorales et à remplir les places des membres actuels à mesure que des places deviendront vacantes parmi eux, mais de manière que le nombre total des membres du conseil n'excédera jamais soixante; lesquels dits amendements il fera imprimer et distribuer pour l'usage des membres.⁵⁸

((NOTICE OF MOTION RE: AMENDMENTS TO LEGISLATIVE COUNCIL BILL.))

MR. JOBIN ((donne avis que)) lors de la deuxième lecture du bill pour amender l'acte d'union ((il proposera que)) certains amendements au dit bill afin de limiter à six ans la durée du mandat des membres du conseil législatif, un tiers étant éligible tous les deux ans, conservant aux honorables membres actuels, désireux d'y rester, le droit de le faire en y assistant régulièrement, mais leur ôtant tel droit, sur une absence par cause de vieillesse ou infirmités corporelles, de plus d'un mois, et rendant l'orateur du dit conseil législatif éligible par la majorité (sic) des membres.⁵⁹

((POSTPONED MOTION FOR AN ADDRESS RE: CHURCH OF ENGLAND.))

MR. CAMERON.--moved an "address to her Majesty, praying that she will be pleased to cause a measure to be introduced into the Imperial Parliament to remove all obstacle((s)) that may exist to prevent the Bishops, Clergy and Laity of the United Church of England and Ireland in Canada, meeting in their several dioceses in Synod, to frame rules and canons for their own guidance and governance, and authorizing the election of the Bishops of the said dioceses by such Synods as vacancies may hereafter occur, subject to the confirmation or rejection by Her Majesty and her successors." He said his motion related to a subject of very great importance to the members of the United Church of England and Ireland in this Province. During the present session of Parliament the Clergy Reserve Act had been passed, taking away from that church the provision she had hitherto enjoyed from the Clergy Reserves, and reserving only the salaries of existing incumbents.⁶⁰ Yet notwithstanding the state had thus withdrawn all favor from the Church, if any new Dioceses were erected, or any existing ones were vacated, they would be filled up by appointments made in the same way as they had always been made heretofore. But the member of the Church of England were of opinion that they were in a position to claim ((t))he right to elect their own Bishops. It might seem singular that the body of which he

spoke should apply to the Legislature here instead of going at once to the Imperial Government but the truth was that they had petitioned, and that one or two bills had been introduced into the Imperial Parliament; but so far they had resulted in nothing. The consequence was that the Church of England was placed in a position of disadvantage, as compared with every other body of Christians in the Country, and from this they desired to be relieved. They ask for nothing that could affect any other body of Christians, for in addition to what he had already stated, all they desired was to be enabled to enact their own canons and statutes for their own guidance, without doing anything in opposition to the laws of the Province or withdrawing in any way from their jurisdiction.⁶¹ They therefore asked this Legislature, by an address to Her Majesty from both Houses, to endeavour to have a measure brought before the Imperial Parliament to remove the obstacles referred to in his motion. By the Rectories Act of 1851, it was declared that there was an entire separation between Church and State in this Province, and the Clergy Reserve Act of this session contained a similar statement, but while it was so declared by Statute, and although provision for the church by the State was withdrawn, those obstacles to free synodical action were still allowed to remain.⁶² The patents for the erection of Bishoprics or of Bishops would be issued in England--not under the great seal of the Province.⁶³ As regarded the Supremacy of the Queen, that was not a matter that now came up for consideration. On that subject there were differences of opinion even among the members of the Church of England in this colony, but so far as separating the connexion between Church and State was concerned, if that was to be carried out in one respect, it should be carried out in all. All they desired was the power of framing rules and canons for their own guidance, and the right of electing their own Bishops, and there could be no reason why the Legislature should not assist them in obtaining from the Imperial Government what they asked.⁶⁴

MR. PRES. EX. COUN. MACNAB asked if the proposed address had been printed?⁶⁵

MR. CAMERON said it had not.⁶⁶

MR. PRES. EX. COUN. MACNAB said that in that case it would be well to postpone the motion for a few days.⁶⁷

The motion was accordingly postponed till Thursday.⁶⁸

((DISCUSSION RE: BOUNDARY LINE BETWEEN UPPER AND LOWER CANADA.))

MR. MONGENAIS inquired of the Ministry whether it is the intention of the Government during the present session, ((to)) determining (sic) the division line separating Upper and Lower Canada, a matter which has been for so long a period neglected and which had caused great difficulty and expense in the carrying out of legal proceedings.⁶⁹

MR. AT. GEN. DRUMMOND said the Government hoped to be able to settle this question during the present session if the other measures already before the House do not occupy too much time. He admitted, however, that the matter was surrounded by many difficulties; if the persons holding land on the disputed territory would rest satisfied with a law which would determine the line between the two sections of the province, that law might be passed without either delay

or difficulty, but the Seignior of Nouvelle, Long((u))ueil, the persons in possession of land in the neighbourhood, and another class of persons to whom mortgages have been given, insist upon enactments being introduced into the law providing for the settlement of various questions, which in his (the Attorney General's) opinion, ought to be left to the decision of the Courts of Justice. Were this a question of general interest the Government would not hesitate one moment as to the course to be pursued, but as it affected merely, if not solely, the persons of that particular neighbourhood, the Government felt reluctant to pass any measure which would be in any way detrimental to their interests.⁷⁰

MR. J.S. MACDONALD ... ((made)) some remarks⁷¹.

MR. AT. GEN. DRUMMOND said that he thought the difficulties complained of might be overcome by introducing a measure, the enactment of which would be confined to the defining of the boundary line and to the appointment of commissioners to determine the amount of indemnity which might be due to persons holding patents erroneously supposed to be in Upper Canada and others sustaining loss by the measure.⁷²

MR. MONGENAIS said that the people in the neighborhood would be glad to accept some arrangement from the Government, to put an end to the present ruinous law suits arising out of the uncertainty--a former bill had been opposed only on account of its bearing unfairly on some of those affected.⁷³

FOOTNOTES: 26 MARCH 1855.

1. LE PAYS, 31 March 1855.
2. MORNING CHRONICLE, 28 March 1855.
3. GLOBE, 2 April 1855.
4. MORNING CHRONICLE, 28 March 1855.
5. GLOBE, 2 April 1855.
6. MORNING CHRONICLE, 28 March 1855.
7. GLOBE, 2 April 1855. This newspaper reports that Joseph Hume's first constituents were in Weymouth. TORONTO DAILY LEADER, 2 April 1855, reports: "Joseph Hume first represented Lyme Regis in Parliament". HAMILTON SPECTATOR, 4 April 1855, reports: "Mr. Hume first represented Holcomb Regis."
8. TORONTO DAILY LEADER, 2 April 1855.
9. GLOBE, 2 April 1855.
10. MORNING CHRONICLE, 28 March 1855.
11. GLOBE, 2 April 1855.
12. MORNING CHRONICLE, 28 March 1855.
13. GLOBE, 2 April 1855. MORNING CHRONICLE, 28 March 1855, TORONTO DAILY LEADER, 2 April 1855, and HAMILTON SPECTATOR, 4 April 1855, all report Joseph Hume stopped the operation of the old combination laws, differing from the GLOBE, 2 April 1855, which reports "Contribution Laws".
14. MORNING CHRONICLE, 28 March 1855.
15. GLOBE, 2 April 1855.
16. MONTREAL GAZETTE, 29 March 1855.
17. GLOBE, 2 April 1855.
18. MORNING CHRONICLE, 28 March 1855.
19. MONTREAL GAZETTE, 29 March 1855.
20. MORNING CHRONICLE, 28 March 1855.
21. GLOBE, 2 April 1855.
22. TORONTO DAILY LEADER, 2 April 1855.
23. MORNING CHRONICLE, 28 March 1855.
24. TORONTO DAILY LEADER, 2 April 1855.
25. GLOBE, 2 April 1855.
26. MORNING CHRONICLE, 28 March 1855.
27. GLOBE, 2 April 1855.
28. MORNING CHRONICLE, 28 March 1855.
29. GLOBE, 2 April 1855.
30. MORNING CHRONICLE, 28 March 1855.
31. GLOBE, 2 April 1855.
32. TORONTO DAILY LEADER, 2 April 1855.
33. GLOBE, 2 April 1855.
34. TORONTO DAILY LEADER, 2 April 1855.
35. GLOBE, 2 April 1855. MORNING CHRONICLE, 28 March 1855, TORONTO DAILY LEADER, 2 April 1855, and HAMILTON SPECTATOR, 4 April 1855, all report that Joseph Hume had been in Parliament for "39 years".
36. TORONTO DAILY LEADER, 2 April 1855.
37. GLOBE, 2 April 1855.
38. IBID.
39. IBID.
40. MORNING CHRONICLE, 28 March 1855.
41. GLOBE, 2 April 1855.

42. MONTREAL GAZETTE, 29 March 1855.
43. GLOBE, 2 April 1855.
44. IBID.
45. TORONTO DAILY LEADER, 2 April 1855.
46. IBID.
47. MORNING CHRONICLE, 28 March 1855.
48. GLOBE, 2 April 1855.
49. MORNING CHRONICLE, 28 March 1855.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. GLOBE, 2 April 1855.
55. The newspapers greatly differ from the JOURNALS in reporting the Yeas and Nays. MORNING CHRONICLE, 28 March 1855, reports the vote in the Affirmative; "Yeas 60 Nays 51." GLOBE, 2 April 1855, reports the vote was "negatived, on a division of 53 to 36", but then proceeds to list the names of the voters. Here, they report only 24 names for the Yeas, but record the total as 36, and report 37 names for the Nays, recording the total as 54. MONTREAL GAZETTE, 29 March 1855, HAMILTON SPECTATOR, 4 April 1855, and TORONTO DAILY LEADER, 2 April 1855, report the Yeas, 36; Nays, 51. One account in LE PAYS, 31 March 1855, reports the Yeas, 39; Nays, 54, while another reports the Yeas, 53; Nays, 46.
56. GLOBE, 2 April 1855 reports the House adjourned at "11 o'clock."
57. LE PAYS, 31 March 1855.
58. IBID.
59. IBID.
60. GLOBE, 2 April 1855.
61. MORNING CHRONICLE, 28 March 1855.
62. GLOBE, 2 April 1855.
63. MORNING CHRONICLE, 28 March 1855.
64. GLOBE, 2 April 1855.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. TORONTO DAILY LEADER, 27 March 1855.
70. GLOBE, 27 March 1855.
71. TORONTO DAILY LEADER, 27 March 1855.
72. IBID.
73. IBID.

TUESDAY, 27 MARCH 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of John A. Sangster and others, of the Counties of York and Ontario.

By Mr. Terrill,--The Petition of John Lyford and others, of Stanstead.

By Mr. Antoine Aimé Dorion,--The Petition of Sister M.J. Hainault dite Deschamps and others, Sisters of Charity, in charge of the General Hospital in the City of Montreal.

By Mr. Daly,--The Petition of Gilbert McIntosh and others, of the Village of St. Mary and vicinity.

By Mr. Dostaler,--The Petition of T.R. Tranchemontagne and others, of the County of Berthier.

By Mr. Jean Baptiste Eric Dorion,--The Petition of George Atkinson and others, of the Township of Durham; the Petition of W.J. Alexander and others, of South Durham, in the County of Drummond; and the Petition of the Town Council of the Town or Borough of William Henry.

By the Honorable Mr. Young,--The Petition of the Warden of the House of Industry, and the Mayor, Aldermen, and Citizens of Montreal.

By Mr. Dionne,--The Petition of the Municipal Council, No. 1, of the County of Rimouski.

By Mr. Masson,--The Petition of Edward Jones, junior, and others, of the County of Argenteuil.

By Mr. Casault,--The Petition of the Municipality of the Village of Fraserville.

By Mr. Foley,--The Petition of H.S. Huber and others, of the County of Waterloo.

By Mr. Laberge,--The Petition of Joseph Tremblay, of the Parish of St. John's, in the District of Montreal, Trader.

By Mr. Aikins,--The Petition of the Reverend James Pringle and others, of the County of Peel; and the Petition of John Watson, senior, and others, of the County of Peel.

Resolved, That the Petition of Henry Bennie and others, of the Seigniorship of Beauharnois, be referred to a Select Committee, composed of Mr. DeWitt, Mr. Solicitor General Ross, Mr. Holton, Mr. Stevenson, and Mr. Frazer, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act 14 & 15 Vic. cap. 105, intituled, "An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein, to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became

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Law," and have agreed to several amendments thereto, which they beg to submit for the consideration of Your Honorable House.

Ordered, That the said Bill, as amended, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Petition of Ichabod Smith and others; the Petition of Charles C. Colley and others, residents in the Eastern Townships; and the Petition of the Municipal Council of the County of Sherbrooke, be printed for the use of the Members of this House.

Sur motion de MR. CASAULT,¹

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Ordered, That one thousand Copies extra in French, and five hundred Copies extra in English, of the Bill to provide for the publication of hypothecs and real rights in Lower Canada, be printed for the use of the Members of this House.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act making certain provision rendered necessary by the separation of the Counties of Halton and Wentworth," with an Amendment, to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act to extend the time for completing the Louth Harbour," with an Amendment, to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Sorel, Drummondville and Richmond Railway Company," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

The Order of the day for the second reading of the Bill to amend the Imperial Act re-uniting the Provinces of Upper and Lower Canada, being read;

The Honorable Mr. Cauchon moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being proposed, That the Bill be now read a second time;

And a Debate arising thereupon;

MR. COM. CR. LANDS CAUCHON, in rising to move the second reading of the bill to ... alter the Union Act, by making the Legislative Council elective, felt it to be unnecessary to detain the House for any great length of time. Discussions had already taken place in the House upon the subject, both upon the introduction of the measure he submitted to the House, as well as upon the measures which had been previously before them. He felt fully the importance of the measure. The ministry had approached the question with the greatest possible care, and with a due regard of the importance of the change contemplated to be made--a change involving a radical alteration in the system of government. The necessity for this measure was fully proved by the expressions of public opinion. He had himself been opposed to the principle of election as applied to the Legislative Council. But the unmistakable expression of public opinion, the almost unanimous assent of the people of the country, had convinced him that change was absolutely necessary. The necessity of the measure being

determined upon, the next consideration was the character of the measure. After a very full discussion of the subject--the objects to be gained, and checks to be guarded, it had been determined to bring in the bill, which he now moved to have read a second time. There were alteration in the bill from that of Mr. Morin's.² The present bill was more acceptable as to its principle, than that formerly introduced. By the first measure one third of the Council was to go out every two years, so that it took six years to renew, whereas the present made one fourth go out every two years.³ The newly elected members will be sufficiently numerous in the Upper House to counterbalance any attempt at undue influence on the part of the old members. The power of dissolution had also been abandoned by the present bill. This change, he thought, was called for when the object of the Upper Chamber was taken into consideration.⁴ He knew that this last change did not accord with the views of the member for Lambton; for when that member found that he could not absolutely reject the bill, he would doubtless wish to retain the power of dissolution. But to decide on this question, it was necessary to inquire what was the object of the second chamber. For if that House were to be a mere reflex of the lower chamber, it would be better to abolish it. But if the object of the chamber was to check hasty legislation and give the people time to reflect, in that case it must be so constituted as to attain those objects. But that could not be done by retaining the power of dissolution which would constantly subject the Upper House to the immediate influence of the Lower House through the ministry of the day.⁵ If the Upper House refused to pass any measure which the Ministry had introduced, a threat of dissolution would bring them, into obedience. The Ministry too, if they found that either of the Houses were opposed to them they would at once dissolve it. We might as well have no Upper Chamber at all as to have one thus under the control of the administration.⁶ The way to make the second chamber what it necessarily should be was to place it free from danger--in a position where its members would not be exposed to that immediate fear of meeting their constituents (sic) which it was well known sometimes induced gentlemen in that House to vote not exactly in accordance with their judgments. Some gentlemen indeed contended that the system of two Houses, as he proposed, must come to what was called a deadlock. He would explain how that was avoided. When the Council should be first constituted, all the forty-eight new members would come direct from the people, and this would give a great popular sentiment to the council. At the end of two years one fourth would go out, and at the end of two years more another fourth; so that there would be constantly one fourth of the House fresh from the electors, and the other just about to appeal them. The other half not in immediate contact with the people was certainly not too much by way of balance.⁷ He could not see how there was any likelihood of a deadlock occurring between the two branches, as feared by the hon. member for Lambton.⁸ ((An)) important change was that which made the representation different by enlarging the electoral districts, and increasing the term for which the members of the Upper House would be elected.⁹ Relativement à la durée du mandat des conseillers législatifs, il pense que s'il n'était que de quatre ans ou de six ans, les membres du conseil se trouveraient élus par la force de la même opinion que ceux de la chambre basse, et cela encore les rendraient inutiles; ils ne pourront juger les questions qui leur seront soumises avec autant de calme, ils ne pourront les mûrir aussi bien que s'ils sont élus, pour huit ans.¹⁰ It was said too, that the principle of the bill was democratic. Be it so he had never been opposed to democracy, and it might be said that the democratic was the strongest element in the British Constitution; but the most

earnest democrats admitted the necessity for some checks upon the action of a democracy. If he did not, he differed from Washington, and Jefferson, and Hamilton, and the elder Adams, men whose talents, integrity and knowledge, could not be denied; but who regretted, and expressed regret that no counterpoise, like that of the British Constitution, could exist in their own. In the United States all these branches were elected by the people, and when two houses had adopted any measure a certain number of times, and by a certain majority the President was bound to pass it.¹¹ The President was, therefore, nothing at all.¹² If he held office for life, or if he derived his power from a source other than election, that would not be the case. The true and sole counterpoise measures of any value in the American system was that derived from the authority of the judiciary, and if the time should ever come, when the people of that country should lose their respect for law, that counterpoise would be at an end, for then the three branches of the legislature would destroy the influence of the Supreme Court. If that legislative check was wanting there, it ought to be introduced in Canada.¹³ But, after all, what did this dead-lock come to?¹⁴ Could it be possible that there could be in the country two principles antagonistic to each other, that two houses would be elected to oppose each other. If so, the danger of a dead-lock must be much greater in the United States than in this country, since here the two Houses would be elected by the same constituency, whereas in the United States they were elected by different bodies, each state sending two members to the Senate, whatever might be their population. The member for Lambton, however, viewed the thing from a point altogether different. He did not speak with a view to convince that gentleman, nor any who like him thought the elective principle should not be introduced. He (Mr. C.) stated, with a belief, that that principle must be adopted, and he had endeavoured to show that that being so, every precaution had been taken to avoid danger. There was one other point to which he would allude.¹⁵ The number of the Council by the present bill was fixed at 48 instead of 60.--That had been done with the intention of securing calmness and serious reflection¹⁶ ((OR)) was intended to make the body more Conservative, more of a check on too hasty legislation,¹⁷ for in bodies, where there was a multitude of persons to deliberate, it happened too frequently that they were drawn into great excitement, as might be seen in that House. Besides instead of spending 100,000L, the smaller house would probably cost only 40,000L or 50,000L. In the State of New York with 3,000,000 of people they had but some 60 Senators, so that forty eight seemed an ample allowance for something like a million of people.¹⁸ He reminded Mr. Mackenzie that his amendment, if passed, would in fact compel the assumption of the title of lords spiritual and temporal under the measure.¹⁹

At the request of MR. BROWN, MR. COM. CR. LANDS CAUCHON repeated his remarks in English.²⁰

MR. RANKIN having given notice of the intention to move amendments to the bill, took that opportunity to point out his views on the subject.²¹ ((He)) had some amendments to propose to the bill on its going into committee, and would take this opportunity of urging them upon the attention of the House. He was not animated by hostility to the Government. On the contrary, he regarded the bill as the best of any bill which had been submitted for the consideration of the House; and he was quite prepared to support the principle of it. His object in making amendments was to make the bill more perfect. According to the arrangement now proposed, a commencement must be made with 48 elected members

and 40 (sic) non-elected members. The Legislative Council would thus consist of from 80 to 90 members. Now, for the sake of illustration, let the present population be supposed to be two millions. This population must continue to increase while the Legislative Council, by the death of non-elected members, would be continually decreasing in numbers. It may be said that many of the present members do not attend; and that after election was determined upon, many of the non-elected members would look upon themselves more as honorary than as working members. But ((it)) is to be borne in mind, that even should it turn out to be true, and was anticipated that they had the right to attend and might come and take their places and might obstruct in many cases the wishes of the people. These consequences of the new bill struck him forcibly, and he thought that instead of²² dividing the country into 48 elective districts, for which 48 elective members should be at once chosen to sit with the 44 life members, he proposed that the country should be divided into 60 districts, 44 of which should be nominally assigned to be represented by the 44 life members, and the remaining 16 at once to select their own members, so as to make a Council of 60²³ ((OR)) a constituency, as it were, should be assigned to every one of the members of the Council, whether elected or non-elected.²⁴ The districts which each should represent might in the first place be decided by lot; but afterwards every vacancy would be filled by election.²⁵ As the life members died out or resigned, the districts they nominally represented to (sic) have the privilege of electing representatives who like the other 16 should only hold their seats for a limited period.²⁶ The members of the Upper House would thus be brought more particularly in contact with the people, although to a certain extent independent of the people. Their independent action would not be unwisely interfered with by such popular influence. He was of opinion, moreover, that the effect of this arrangement would be acceptable to gentlemen in the Upper House themselves. It would enable them to feel that they had a particular class of people to deal with--a feeling that they had never yet experienced. He thought that this mode of procedure would be treating the Upper House more respectfully. The non-elected members could not be blind to the fact that in this House a bill could be brought in abolishing them altogether.²⁷ They must see at present that they might be completely outvoted by the new members, and that having a majority against them in that House, it would be by no means difficult to pass a law to deprive them of their places.²⁸ The assignation of constituencies or particular districts of people to particular members would be convenient in case of death and the election of a successor. The honorable gentleman made some further similar remarks and sat down.²⁹

No other member rising to address the House loud cries of "carried! carried!" were raised from the ministerial benches, when³⁰--

MR. BROWN rose and said: I think, Mr. Speaker, it is very much to be regretted that no member of the administration from Upper Canada has felt called upon to offer any explanation to this House and to the country upon a measure of so great importance, as that now under consideration. (Hear, hear.) I cannot but think, sir, that we were entitled to hear the views of the Hon. gentlemen, when it is remembered that but one session ago we saw these very gentlemen ranged in opposition to this measure, protesting with all the earnestness of honest conviction, that it would lead to an entire change of our constitution, that it would lead to the adoption of the Republican form of government; nay, that it would lead to the annexation of Canada with the neighbouring confederation. (Hear, hear.) I cannot but think it unfortunate that they should not

have felt it necessary to explain the grounds on which they have changed their views; how it comes that we find them to-day on the Treasury benches carrying through the very measure--nay, sir, a more dangerous measure than they denounced so vehemently from this side of the House a few brief months ago,³¹--

Cheers from the opposition.³²

((MR. BROWN continued:)) No one, I think, could have failed to observe that the hon. gentleman put forward as the spokesman of the administration on this occasion, shrank from grappling with the great issue at stake in the adoption or rejection of this bill, but assuming the principle to be right, confined his explanations to the mere details of the measure. Did the Hon. Commissioner of Crown Lands (Mr. Cauchon) attempt to show how two elective chambers can be maintained in consistency with British constitutional government--did he attempt to tell us how the objections to an elective council recorded on our journals by himself only last session can be met? (Hear, hear.) No sir, he merely contrasted the bill before us with the bill of Mr. Morin, and laboured to show that the changes made were improvements, but he seemed to forget that he and most of his colleagues were utterly opposed to the bill of Mr. Morin. I think we were entitled to explanations very different from those of the hon. gentleman, (hear, hear,) and even now, I hope--³³

MR. AT. GEN. J.A. MACDONALD.--Were not explanations given on the first reading?³⁴

MR. BROWN.--No, Mr. Speaker, explanations were not given on the first reading. It is true, my hon. and learned friend the Att'y Gen., told us on that occasion that he and his colleagues "bowed to public opinion," but was that an adequate explanation of the remarkable circumstances of this case? I can fancy a government yielding to public pressure in the details of their measures. I can even fancy gentlemen assuming office with an understanding that certain questions shall be left in abeyance. But, I confess I do not understand how public men, with any regard to the credit of their country or their own fair fame, can traffic, as the price of office, with their most cherished convictions on a great public question, can consent to propose an organic change of the constitution of their country, which for years they had been protesting would be ruinous to its best interests. (Loud cheers.) "Bowing to public opinion!" what act of turpitude may not be consummated under the cover of a plea so specious? Was the position taken by the gentlemen on the treasury benches last session true or false? Will this Bill have the effect they then alleged? Will it lead to the overthrow of British Constitutional Government and the adoption of American institutions in its room? That is the question I want them to answer. I dare them to assert that public opinion is in favour of any such change, and that it is to that opinion they are now "bowing." (Cheers.)³⁵ The people of Upper Canada were not in favor of it, and he had not met a single person--not excepting hon. gentlemen at the other side, that was in favor of this Bill. Some hon. gentlemen at the other side of the House did not understand the principle of this Bill--or if they did, their only exposition of it was that some measure was wanting, and forsooth they voted for this.³⁶ There was a time, Mr. Speaker, when the people of Canada might have regarded an elective second chamber with some degree of favour.--When each section of the Province was ruled by a grasping oligarchy--when the representative of the Sovereign was beyond provincial control--when the Governor found his advisers where he liked and

consulted them when he pleased--and when these irresponsible individuals packed the Upper House as they saw fit--then, indeed, an elective council might have been of service! The people under that despotic system sent it is true, representatives to parliament, but their wisest measures were, time and again, killed in the Upper House in defiance of public opinion and thrown back on them with contempt. Who can wonder that under such circumstances the cry for an elective second branch was raised and rang throughout the land.³⁷ Then, indeed, there was a cry got up by the late commissioner of Crown Lands, and by gentlemen residing in Upper Canada, in favour of the introduction of the elective principle into the Council.³⁸ Since the introduction of British Constitutional Government all this has been changed; the Governor General must now take his Cabinet from the members of the Legislature--he cannot do one act without their advice--and they must have the confidence of Parliament or yield up the reins to their opponents. The members of the Legislative Council are appointed on the advice of the ministry of the day, and the result is, that instead of being a stumbling-block in the way of popular legislation, the great and the only charge against that body now is, that it reflects too closely the views of this House, that it yields too readily to the wishes of the people. (hear, hear.) What does the Commissioner of Crown Lands tell us is the object of this bill? Why, he says it is to place a check on our legislation--a fetter on the force of public opinion; he says that when we come fresh from our constituents, we are too ready to yield to the clamour of those who sent us here--that the Upper House, appointed as it is by the leaders of the majority of this House, is not in a position to resist our demands, and that a body of men elected for eight years will effectually curb us. Strange language this ((is)) from an administration of whose "liberality" we have heard so much! (Hear, hear.) I appeal to hon. members opposite, who profess Reform principles, to say if they endorse this language of their leader? A large majority of this House was returned by liberal constituencies, to carry out Reform principles; and is it really come to this, that a ministry kept in power by men so chosen, dare thus openly avow that the object of their chief measure is to fetter public opinion and prevent our carrying out these principles and measures to which we were committed at the hustings? (Hear, hear.) For my part, sir, I need no other argument than this to make me record my vote against the bill; as the representative of Upper Canada Reformers, I want no new checks on the force of public opinion; we have enough of Conservatism to grapple with now, from the state of ... in Lower Canada; we have to fight, inch by inch, for the little progress we accomplish; and, far from seeking an eight years' Chamber to fetter us above, I am almost ready to demand a shorter term of election for this House, that public feeling may be better respected, and the recreancy of politicians to their promises may (sic) sooner meet its reward. I have said that public opinion does not demand this bill; but I have not said that the Legislative Council as now constituted receives that degree of public confidence which would be desirable. But how has public confidence been shaken in the second Chamber? Has it been by any proceeding of that body?--by its demanding an unreasonable influence in legislation, by forcing on us unpalatable subjects, by throwing out beneficial measures sent up from this House? None of these things has it done. The clamour against the Legislative Council was first raised in consequence of some new creations made by the Baldwin-Lafontaine ministry³⁹ ((OR)) certain nominations by Mr. Baldwin's ministry⁴⁰ in 1849; and a more unreasonable outcry I believe was never raised. It was said that these creations were made for the express purpose of passing the Rebellion Losses bill--that the Chamber was packed with the partizans of the ministry, and its influence destroyed; while the fact was

that even after these new creations were made, the Liberal party were in a minority in the Council. (Hear, hear.)⁴¹ But was there any complaint that the Council had tried to force unreasonable measures, and when you met parties favourable to a change in the Council and asked them what change they wanted, very few who were attached to the present constitution desired the elective principle.⁴² But the cry was got up notwithstanding; the Tory league echoed it, and the scheme of a second elective Chamber arose out of the clamour. I do not deny that the influence of the Legislative Council has been lowered in the country; but I do say that if you discuss the question gravely with intelligent men, and point out the difficulties of a second elective Chamber, you will find that all in favour of our present constitution regard the change with much alarm. (Hear, hear.) A more unreasonable yielding to foolish clamour than this bill manifests I think was never witnessed. The cry of "elective institutions," "the elective principle," is roused to its favour, and men fear to oppose a bill with so popular a garb. I do not oppose elective institutions, because I oppose a particular mode of applying the elective principle. You may apply it so that the public will shall be freely carried out; but you may apply it, too, that the earnest desires of the people will be fettered at every step; and it is just because I am firmly convinced that our present system of government gives much more certain effect to the public voice than that for which we are about to exchange it, that I now protest against the change. Two Governments have introduced this bill; and yet I am warranted in the assertion that there are not three members of these same Governments heartily in favour of the measure, and who do not to this moment regard its effects with fear and trembling. Make it an "open question" and how different would the vote be in this House to-night! It has no party in the country committed to it--not one petition in its favour has been laid upon our table--not one.⁴³

MR. HOLTON.--We were all pledged to it at our elections.⁴⁴

MR. BROWN.--My hon. friend says we were all pledged to this bill at the hustings. He may speak thus for Lower Canada, but not for the West. No such pledge was demanded in any county of Upper Canada, in the election of which I took a share, and having access to the views of the Liberals of Upper Canada to a greater extent perhaps than any other member of this House, from my double connection with the public. I state sincerely my belief that the Reformers as a body do not demand this bill. (Hear, hear.) Why should they? What can they possibly gain by it? Is there any measure they now desire and cannot obtain, which this bill would secure to them? Have they not sufficient difficulty to encounter in this House? and how infinitely would that difficulty be increased had they a second House to contend with, elected for twice the term of this, and with a greater proportion of French Canadian members than we have to encounter here? It is quite true that there is a small section of the Reform party who wish to see it pass; but it is those, and those only who have no faith in British Constitutional Government, who support this bill, not because they like it, but because they see in it a stepping-stone to an elective Governor, a written constitution, and all the rest of the American system. (Hear, hear.) It is not a little curious to observe the different grounds on which the bill is supported in this House.⁴⁵ There were three parties who would vote for the bill; responsible government men, who thought that system might be carried on with the elective council⁴⁶; then you have in the second place those hon. gentlemen who have lost faith in Responsible Government, who desire to

destroy it, and think this bill will do that, and force us to adopt the system of our neighbours;⁴⁷ and lastly the old tories, who wanted to trammel liberal measures.⁴⁸ ((They)) remember the old irresponsible system of past years with longing affection, and fancy that this new chamber will fetter the progress party of Canada with chains of its own forging. (Hear, hear.) These three parties, differing as widely as the poles asunder, singularly enough, all look to this bill to carry out the particular ends sought by each. Do we not all know this to be the fact--and yet how is it possible that they can all be correct in their anticipations?⁴⁹ The responsible government men indeed admitted that it was of very doubtful advantages but said the Upper House had been condemned and something must be done: But if asked would they not rather abolish it altogether, they said yes, for they could not see how responsible government could be carried on in the midst of such hindrances.⁵⁰ The party favouring a change of constitution, have, in my opinion, the best of the argument. It is clear as noon-day that the existing form of government can not be carried on with two elective chambers, and that other changes much more ultra will certainly follow, and yet I can hardly see how this party, consistently with their principles, can favour this bill. Can they as Democrats vote for a bill leaving members appointed by the Crown, in the same chamber with those elected by the people. Can they aid in creating an eight years' chamber which may take years to overturn? Can they repudiate representation by population? Can they give any countenance to a bill avowedly framed to shackle the force of public opinion?⁵¹

MR. HOLTON.--It is a step!⁵²

MR. BROWN.--Yes, it is a step; but have you considered the precise effect of that step? You expect that our ministerial system will be found utterly unworkable between the cross-fire of the two Chambers--that the power of the Executive will be dangerously increased--that agitation to restrain that power will follow--and that an elective governor and written constitution will be the remedies applied. But have you considered the confusion and embarrassment in the Government, while all this agitation is proceeding? Have you calculated the heavy restraint upon Reform principles and measures which an eight years' Chamber, and the increased power of the Executive, will exercise during those years of constitutional agitation? Have you reflected on the uncertainty which will hang over public affairs, while all this excitement is passing before the world, and the ruinous effect it may have on the commerce of our country? Sir, I do think the promoters of this bill have a serious responsibility on their shoulders. But what shall we say of those conservatives, who hope by this bill to shackle public opinion? Can it be possible that men claiming to be statesmen, can for one moment imagine that, on this continent, they can batten down public opinion by any weight they can pile upon it? (Hear, hear.) How can they think an eight years' chamber will be long submitted to in Canada?⁵³ He could not imagine that the people of this or of any free country could ever submit to an eight years house, composed of men who might set them at defiance, and, when the present cry was for shorter Parliaments, in order that representatives might be brought nearer their constituents, and punishment for broken pledges might be very certain, nothing could be more opposed to the true spirit of the political movement.⁵⁴ Have they not observed that, at every change of constitution in the several states of the Union, the term of election is sought to be shortened? And do they not know that, at this moment, there is rising in Canada a demand

for shorter Parliaments than those we at present have? Have they not heard to-night the mutterings of the coming storm? Honorable gentlemen may fancy that by this measure they will restrain the demand for progress; but let them be assured of this, that the more conservative and restrictive their scheme is, just so much more violent will be the revulsion of public feeling--just so much the sooner will the existing constitution be broken into fragments. (Hear, hear.) But let me now address myself to those hon. members who are firmly attached to Responsible Government, but who cannot see that a second elective chamber will mar its operation.⁵⁵ He saw the member for Montmorenci laughing; but that hon. gentleman did not laugh when he had recorded his opinions against the elective principle, and the hon. member was certainly not choosing a favourable opportunity for retracting his opinions, when he introduced a bill without any power of dissolution.⁵⁶ And, in the first place, I contend that it is impossible to have two elective chambers with British constitutional government, because, under that system the ministry of the day are responsible, not only for what they do, but for what they don't do. The theory of the British constitution is, that the Government for the time being has the entire responsibility of public affairs--that they are responsible for all legislative acts, for all the administrative proceedings of the Executive, and for all the proceedings of the officials throughout the country. It is true, if censure is justly due for any official act, it is a sufficient answer to give that the functionary who did it has been removed for the offence; but when an official impropriety is committed, and the Government refuse or neglect to give redress, that moment they assume full responsibility for the transaction. And especially is this applicable to legislative proceedings. The Cabinet ministers are not only bound to advise the Governor General of all measures they deem necessary for the proper regulation of public affairs, and to carry such measures through Parliament, but they are bound to oppose and prevent the adoption of measures they may deem hurtful to the public interests. If they conceive any measure essential to the public weal, they must carry it, or make way for those who either can carry it, or who are prepared to advise the Crown that it is unnecessary. But how will this principle be carried out with two elective chambers? One is to be elected for four years--the other for eight; the members of one house are to sit for single constituencies--the members of the other for large electoral districts. Changeable as is the tide of public opinion in this country, who can doubt that the political complexion of the two chambers will be frequently different--that the two bodies will be often politically antagonistic? What shall the ministry do when a measure of great importance passes through one house and is rejected in the other?⁵⁷ It might be said that there might be difference of opinion now; but notice, this might happen now, and yet would do so only rarely because the Upper House at present will yield to public opinion.⁵⁸ Take, for instance, the Militia Bill. The Administration have, of course, advised his Excellency that the Militia Bill now before us is necessary to the public safety--and they are bound to carry that measure, or resign the seats to others. Now, were the Elective Council at present in existence, what would be the result if that Bill passed this House and was thrown out by the other? The Bill could not become law; but the ministry have declared it necessary to the safety of the country; shall they then resign, or hold on for some half-dozen years, until the Upper House is re-elected? If they resign and their opponents come in, what will happen? They truly will have a majority above, but they will have a minority below, and the same antagonism between the chambers will continue to exist. (Hear, hear.) And if the ministry do not resign, what becomes of ministerial

responsibility? The thing cannot be worked.--But let us examine it in another light. Immense power is committed to the Executive of the day under the British system. They have the patronage of the Crown in their hands, they carry on the public works, they manage the public lands, the militia, the post office, they regulate all railways, and they hold the exclusive power of initiating money Bills in the Legislature. The ministry have in their hands every department of the public service, and practically they may do what they like, so long as they can obtain for their acts a vote of approval by this House.⁵⁹ It would be most inconvenient for them to be obliged not to consult the wishes of only one chamber but to be obliged to maintain themselves in the confidence of two chambers.⁶⁰ The whole check upon this vast power lies in the right of the House of the Assembly to call ministers promptly to account, and obtain their dismissal from office. The censure of this House is the only practical check over the proceedings of the Executive. And is that check so stringent now that we can afford to weaken it? Is it not in fact the great argument of those who demand a change of constitution, that the check exercised over the Executive under the existing system is so much shackled by the patronage and other influences wielded by the ministry of the day--that effect is not efficiently given to the voice of the people, that the curb is not applied with sufficient certainty to the abuse of Executive power? Have we not known the Government to spend public money over and over again without the consent of Parliament? Have we not seen contracts undertaken without our knowledge? Have not statutes been broken, and solemn promises to this House been set at defiance--all in the assured confidence that a partizan majority would pass a vote of indemnity?--It is by proceedings such as these, governments have furnished arguments against our constitution to those who seek to overthrow it; they have done what they could to bring contempt upon the system, and placed weapons in the hands of its opponents. (Hear, hear.) But in spite of all these difficulties, is it not a fact that the fear of censure from this House is keenly felt by the Executive, and that the effect of our censure once pronounced is prompt and decisive.--We saw this in the punishment dealt out to the late administration, notwithstanding its immense majorities only a few weeks before. And do we not see it even now in the effect on the hon. gentlemen on the Treasury benches, of the vigilant watch kept on their proceedings by the minority on this side ((of)) the House? But how is this check over the Executive to be brought to bear with two elective chambers? We know the difficulty of carrying a vote of want of confidence to one House--how much more difficult to carry it in two? Both chambers will equally be in a position to represent to the head of the Government the "well-understood wishes of the people"--shall then the vote of both be necessary to eject the ministry? If only one, which shall it be? Suppose a case.⁶¹ The present House speaks directly from the people--the elective Council, under this bill, could not do so, and would not be influenced by the check which members of this house, who would have to answer to their constituents, would put upon them--as shown by ousting the late administration, and the solid opposition at present under the gallant knight--⁶²

MR. AT. GEN. J.A. MACDONALD asked why⁶³ ((OR)) whether⁶⁴ the honorable gentleman had used the particular words solid or hollow?⁶⁵

((MR. BROWN continued:)) Suppose we, in this House, were to pass a vote of censure, as we did in June last, against the late Administration, and suppose the Elective Council were to pass another address sustaining the Government as

strongly as we condemned it;--which advice shall the Governor General accept? (Hear, hear.) Oh, say Hon. gentlemen, the advice of this House, of course--the popular branch. But will the Upper House have nothing to say in that? Will they not demand equal influence with us in the conduct of public affairs--and how can it be denied them? If our address to the Governor General were disregarded, would we submit to it? And, think you, would councillors elected by the people, be a whit less jealous of their dignity? Suppose this Bill to become law--an election under it to take place--and Her Majesty's opposition to be successful at the polls. The ministry would then have a majority in the Lower House, but a majority against them up above. Does any one fancy for a moment, that a vote of want of confidence in the Government would not be the first act of the new chamber? And can it be doubted that that vote would be followed up as earnestly as it would be here? Would the Militia Bill become law under such circumstances--or the commutation clause of the Reserve Act be carried out--or the Seigniorial Bill with all its intricacies and extravagance be put into operation--if the majority of the second Chamber could, by any means, prevent them? Certainly not--the majority in the Upper House would stand as firm to their opinions as we do here. But, I am told, all this might happen now, and yet no such antagonism arises. But it must be evident that there is a wide difference between the position of the council now and that it would hold if elected. The honorable gentlemen now holding seats in the second chamber were not sent there as politicians; they are under no party ties or responsibilities--they stand in the dispassionate attitude of men beyond the mêlée free to exercise their individual opinions and to yield them on due cause being shown. Their task is rather to revise our legislation--to see that no rash act is committed, no injustice perpetrated, no dangerous legislation adopted without due consideration. When public opinion is resolutely bent on any great end, they are in a position to yield their personal convictions without reproach. And if they do not yield, there is a mode--seldom or never adopted--but still there is a mode of bringing them into harmony with the popular chamber. But if this bill goes into operation, how very different will be the case.⁶⁶ It would be replied that this antagonism would end with the two years at which the election would take place; but that election would only bring in twelve new members, and what would the opposition be doing all the time, if it did not retain two or three of them? And in the meantime what would have become of the militia bill?⁶⁷ Of whom will the new chamber be composed? Why, in a great measure of the gentlemen whom I now address. Who will not aspire to be elected for eight years certain, rather than for four years, with the chance of being sent back for re-election in a month? We will all aspire to seats in the eight years' chamber. And how will we get there, if we get at all? Why, by the same means we come here now; by explaining our principles to the electors--by the popularity of the measures we promise to carry out--by the strength of the party influences we bring to bear at the polls. Members of the council, it is obvious, will be elected subject to the same party ties, the same party responsibilities, the same earnest political feelings as the members of assembly. (Hear, hear.) It cannot be otherwise. And how can men so elected yield up their convictions? They were elected on a declaration of their political faith, and it would be just as dishonorable in them to betray their principles after their election as it would be in us to do so now. (Hear, hear.) From the first day the council met, there would be a complete understanding between the ministerialists in the two chambers, and quite as close a connection between the gentlemen of the Opposition. It is folly to attempt concealing that when the majorities of the two houses disagreed

there would be a dead-lock--legislation would cease. (Hear, hear.) But, sir, I am told that I take an extreme view of the case--that the members of the Upper House will take a "reasonable" view of things and not get into collision with the Lower House. Well, sir, I admit it is an extreme case; but it is a case that certainly will occur when the political opinions of the two chambers are at variance. We push everything to extremes on this continent, and the legislator is not a statesman who does not calculate upon it. Were matters not carried to "extremes" when the country was ruled for ten months by an irresponsible Triumvirate? Were the elections of 1844 not carried by "extreme" means? Was there nothing "extreme" in burning down the Parliament House about our ears in 1849? Was not the summary break up of the Parliament in 1854 without one act passed somewhat "extreme?" Was there nothing "extreme" in the formation of the present cabinet? Politicians take a "reasonable view" of matters, indeed! (Hear, hear, and laughter.) Do we always take "reasonable views" of things in this house--using the phrase in its common acceptation? Tell me how the Ministry goes, tell me how the Opposition caucus has determined--and I will tell you all about the votes. (Laughter.) Cannot we almost invariably tell the result of any coming division quite as well before as after the names have been recorded? And wherein will it be different in the Legislative Council?⁶⁸ In whatever way the Upper House might go, his objection remained. If it went with the Lower House, then it would be useless, while if they disagreed, the question still returned,--How is responsible government to be thus worked?⁶⁹ But we are told, there is no fear of difficulty arising from the Council, for the controul of the purse is to rest exclusively with the Lower House,⁷⁰ as the honorable member for Renfrew said⁷¹ and that power it is which alone gives the Commons their supremacy in the state. But how can a control over money bills be denied to the Council after it is made elective? (Hear, hear.) Representatives of the people like ourselves, why should they not have the same power over all bills that we have? and how can they be prevented from taking that power? True, an act of Parliament stands in the way, but cannot that act be repealed and cannot the Council enforce its repeal? The mistake honorable gentlemen make, is in fancying that this new body they propose to create will be as passive as the Council is now--when, in fact, if constituted as now proposed, it will be the most powerful body in the state.⁷² It was no answer to instance the case of the United States, because there they had a written constitution, created not by the legislature but by the people. Here you would no sooner have the new House created than the⁷³ forty-eight elected members will introduce a bill to abolish the forty appointed members, (hear, hear, and laughter,) and no sooner will that be through than another bill will follow to repeal the clause which takes from themselves the controul of the public purse. (Hear, hear.) And even without such a repeal bill, how can you prevent their exercising the power? Suppose you send them up a money bill and tell them, as you propose to do, that they must take whole or none; and suppose they say we won't pass it unless certain items are struck out, what then? Won't you rather accept it as amended, than go without it altogether? Don't you do so now with the much defamed Upper House? In the former part of this session did they not tear our Seigniorial bill to pieces and rebuild it again so that its architect could not have discovered one mark of resemblance to his structure, although that bill involved the expenditure of two millions of dollars? (Hear, hear.) Was there ever a more glaring infraction of our great right over the purse-strings, and yet did we not pocket the attack on our privileges and accept the bill? (Hear, hear.) How then could you refuse a like privilege to an elective chamber; a body, too,

elected by larger constituencies than ourselves and elected for eight years, while we sit for but four? You could not refuse their demand for equal power in all matters with the Lower House.⁷⁴ Why, only last session, even under our present constitution, a bill was sent to ... the Upper House involving an expenditure of 500,000L, and it came back in such a shape that it was resigning the privileges of that House to pass it. If then a Council appointed by the crown, acted in that manner what would not be done by one coming fresh from their constituents but yet elected for four years? Suppose the supply bill of last session⁷⁵ with that item of 109,000L for Mr. Baby's piers and bridges in it--(cheers and laughter)--or that 100,000L towards⁷⁶ the Grand Trunk Bridge that would never be built,⁷⁷--or the hundreds of thousands necessary to carry out the Militia bill--⁷⁸ were sent up to such a council, and by it sent back, he would like to see the government that would dare to go to the country upon it.⁷⁹ Do you fancy for one moment that the people would not sustain them in doing so? (Hear, hear.) You might appeal against the act how or when you liked--you might show as clear as noonday the breach of your constitutional privileges, but I tell you the electors would reward the act with their plaudits. (Hear, hear.)⁸⁰ The Upper House would receive the plaudits of the people, and there they would remain for eight years, while many ministries might be formed and broken up, and several Parliaments be dissolved--They would be without change, except in so far as they gained experience brought in by new erections (sic). There had never been in any free country a body possessed of such powers. He would desire no higher place than a seat in such a body.

At present the Legislative Council was out of the political mêlé(e), they were expected to take no part in elections, and in other ways to avoid party strifes. Such a body might yield to public opinion; but, as he had already remarked, the case would be very different after this bill should have passed.⁸¹ I have been told over and over again by the hon. Commissioner of Crown Lands, (Mr. Cauchon,) that no dead-lock ever occurs in the United States, although there are found two elective chambers⁸² ((OR)) it was said that there was no such dead-lock as he feared in England; but the same reasoning applied there as here, since the Peers knew that if they strained their power too far they would arouse public opinion which would sweep them away at once. Seldom it was that they braved that opinion, and when they did so, as in the memorable case of the Reform Bill, they speedily had to submit. Any comparison with the United States was quite out of place⁸³. It really did astonish me to hear a gentleman ((Mr. Cauchon)) so well versed in political matters, advance such an argument. Does the honourable gentleman not know that the American Executive system is quite different from ours--that their Executive power is totally independent of the Legislature? The principle of the American republican system is antagonism--opposite forces are set against each other, and the check on legislation is the difficulty of passing any particular measure through the three branches. The principle of the British system is harmony--the government must bring all three branches into unison and they are held responsible for every act that is passed. The American system is one of individual responsibility. The constitution is written; for every member of every State Legislature, for every member of Congress, for every Governor of a State, as well as for the President, there is a written law regulating his individual conduct, and by that law he must walk and by nothing else. But how different it is with us! Our Executive is responsible, not only for its obedience to the law, but for the wisdom of its policy, and all the members are responsible for the acts of any one.⁸⁴ Ministers not only made the law, but were constantly allowed to break it.⁸⁵

MR. COM. CR. LANDS CAUCHON.--How do they do in the United States if one house passes a vote of say five millions, and the other house refuses it?⁸⁶

MR. BROWN.--I will tell you how they do in that case. The two parties hold a conference--the one says, "if you give us this we will give you that"--the other agrees--the vote is swelled from five millions to seven or eight--the people suffer--and the operation is mildly termed "logrolling." (Hear, hear, and laughter.)⁸⁷ So it would be here, the effect would be to increase corruption, extravagance and waste to an enormous extent.⁸⁸ I cannot but think that an increase of corrupt influences will be one of the deplorable effects of this bill. We complain now that honorable gentlemen on the Treasury Benches, to get and retain a majority in this House, are compelled to do things they would not otherwise attempt--that they are compelled to buy up members of this House and to influence constituencies by special grants for local purposes,⁸⁹ by giving out contracts and⁹⁰ ((by)) the creation of new offices. There may be some exaggeration used at times in regard to this--yet there can be no doubt that it exists to a considerable extent. We know that no Government has existed that was not chargeable with using undue influences to a greater or less extent--and undoubtedly our system is open to the objection that it does require management on the part of the Executive to keep a majority together. But how will it be when there are two majorities to maintain--two sets of constituencies to be influenced--two sets of representatives to keep in tune? Is it not greatly to be feared that the result will be a vast extension of the evil influences we have had so abundantly in the last few years? (Hear, hear.)⁹¹ In the United States the ministry were not in the House, and were but the clerks of the President, and everybody was responsible for himself.⁹² No parallel can be established between the American system and our own, unless we change our Executive theory, remove ministers from the legislature, and establish individual responsibility.⁹³ Here if a job were discovered it was brought home to all the government, and governments had been broken up on account if (sic) the wrong (sic) doing of one man. The hon. member for Montmorency would be consistent, if he would carry out his system by leaving the House and be content with the business of his department; but if that were done would the people of this country be satisfied with a government sent out from England, and appointing a ministry to be in office as long as he pleased?⁹⁴ How long would the people then consent to have a Governor appointed by the Crown? If the Executive ceased to be controlled by the House of Assembly--if the Governor was free to choose his ministers from whom he liked--unless he were himself elected, it would simply be restoring the old irresponsible system which Lord Durham overturned. (Hear, hear.) The position which I take is simply this: either the two Houses would always be in harmony or they would not. If they are so, then what is to be gained by the change? If we were to divide ourselves into two bodies--one half sitting here and the other over the way--what advantage would be gained? (Hear, hear.) If the new branch is to echo our own opinions in what degree will they be better than the present? And if on the other hand the two Houses will not be of the same political complexion, if variance is to exist here as constantly occurs in the United States--Responsible Government cannot be maintained--there will be no check over the executive--misgovernment will ensue--public indignation will be excited--and further changes of the constitution will be demanded and obtained. (Hear, hear.) The whole question, Mr. Speaker, is simply a choice between the British and American constitution. I admit that solid arguments may be advanced in favour of the latter--I have no doubt there

are many who conscientiously believe it to be the best--but I do say that we ought not to be drawn into the adoption of a portion of that system, which will soon compel us to proceed further, without calculating the cost of the step we are taking. I do think the question should have been fairly and distinctly put before us which system we prefer as a whole. I protest against this attempt to lead us imperceptibly from one system to another by an endeavour to mingle together portions of the two systems totally inconsistent with each other. (Hear, hear.) Either we must abandon collective ministerial responsibility or we cannot have two elective chambers. For my own part I have no hesitation in saying which constitution I prefer. Notwithstanding the abuses that have existed under our present system, I infinitely prefer British constitutional Government to any other in the world. (Loud cheers.) I know all the arguments deducible from the abuses that have existed--but of this I am certain, that for every such argument I can find ten parallel ones against the constitution of the United States. (Cheers.) If we have had corruption here--in the Republic it has been reduced to a system. (Hear, hear.) If it is charged that members of the Executive here have used their official influence in aid of private speculation--we have seen across the lines the most unblushing bribery practised in open senate and boasted of in the public press. You cannot lift a newspaper but illustrations of the general existing corruption meets your eye--you cannot meet an American politician who does not confess it--and how common it is to hear intelligent Americans deplore that their political system does not give effect to the wishes of the people. (Hear, hear.) No later than yesterday, I read in a leading American journal an attack⁹⁵ on the President for exercising the veto power, such as he had never read on any other public man⁹⁶, ((and)) admissions were made against the system such as have never yet been uttered against the constitution we now enjoy. Is it not a fact that the President of the United States, nominally chosen by the whole people, is really chosen by a handful of politicians? A few gentlemen meet together in caucus, pull the strings, and a king is made for the next four years. And there he sits for his term, aided by a cabinet chosen by himself, not responsible for the discretion of his conduct--responsible only to the letter of the law. Have not individuals been made Presidents who were scarcely known to the people before they were elected--nay, have not individuals been appointed, who were found to hold very different opinions from those the people supposed them to entertain? Does not the cabinet at Washington labour at this moment under the pressure of an indignant public opinion? And yet in the face of all this we are told to regard the American Constitution as a balm for all our ills! Doubtless we too, have our abuses--all human things are charged with evil--but have we ought like this? I ask hon. gentlemen to look back on the history of this Province since Responsible Government was introduced and to mark the revolutions it has accomplished. Let them examine the legislation of the past ten years, the wise measures recorded on our statute-book--the admirable reforms which have been quietly and thoroughly effected. Let them mark the way in which the country has progressed in population, in wealth, in education, in solid comfort, in social happiness--in all that elevates a people among the nations of the earth. And if all this prosperity has been attained under existing institutions, why such a change, the end of which we know not? I cannot but think, sir, that some measure of complaint against the Upper House has been created by the mode of selecting the Councillors. Had gentlemen been selected, less with a view to party interests, and more with a view to raise the body in public estimation, we might not now have been situated as we are. (Hear, hear.) In proof of this, may I not point

to Nova Scotia and New Brunswick, where the same clamour has been heard against the Council. In Nova Scotia a bill was introduced similar to that before us, but when the subject was fully considered, new light was cast upon it, the bill was withdrawn, better appointments were made, and the agitation subsided. (Hear, hear.) In New Brunswick, I think, a vote against the Council was carried, but there also on full consideration, a halt was called. Better appointments were made by the Lieut-Governor, now Governor General of the Province, and the clamour against the Council entirely ceased. (Hear, hear.) But if in consequence of the feeling raised against the Council, and the injury effected by the very introduction of this bill, it has become necessary to make a change then, rather than give up collective ministerial responsibility. I would abolish the second chamber altogether. We might substitute other checks on legislation; we might provide that no bill shall be passed without a certain proportion of members voting for it, and a Court of Review might be erected, not to legislate, but with power to examine each measure, and send it back for revision ere passing to the Governor General for assent. But I confess I would rather our constitution were left untouched, at least for the present. Who can tell what our position may be in a few years hence? We are yet in a state of transition. Twenty years ago, Upper Canada contained only 200,000 inhabitants, but now it has a million and a quarter. Our population has been gathered from all countries--it was composed for the most part of persons in search of fortune, with limited means, and very many without education. How could it be expected then that already we should have risen to such a point, that we could find among us a large class of men of wealth and education, able and willing to give up their time to public affairs, and whose personal character and influence would command that respect which a legislative councillor should possess. But is not every new year clearing away this difficulty? Education is being diffused over the country--academies and colleges are springing up--men of knowledge are increasing among us--a new generation is pushing fast up who have not laboured under the disadvantages encountered by their fathers. Let us not then rashly overthrow the constitution of our fatherland, because some blemishes may be found in it.⁹⁷ Let time be given to a new generation to grow up. No country had done more in the way of progress than Canada had done within a few years, and if the Legislative Council did no good as at present constituted it certainly did no harm.⁹⁸ We know that we have prospered under it, as few countries have ever prospered, and we cannot know how a change may affect us. (Hear, hear.) I feel, Mr. Speaker, that I have detained the house too long with those remarks, but I am earnestly impressed with the responsibility that rests upon us in the settlement of this question. I could not give a silent vote upon it, I ask honorable gentlemen to cast their thoughts forward for a few years and picture to themselves what this great country will be, even in the life-time of some among us. I ask them to remember how much the character of a people may be affected by the institutions under which they live--and I pray them to consider well the influence our decision of this night may have on the destinies of this land. I do think the people who have grown up under British institutions need not fear comparison with those of any country in the world. (Loud cheers.) With my whole heart I do desire that in Canada shall grow up such a nation as the British people are; and it would indeed be a deep source of grief should any act of ours tend to weaken in our country that earnest love of justice, that high moral principle, that manly generosity which have rendered the British name illustrious throughout the world.⁹⁹

When the House resumed at seven, no one rose to address the House for a considerable time, the Government apparently waiting for the arrival of the Attorney General West to offer a defence of the Ministerial measure.¹⁰⁰

MR. HOLTON suggested that, if none of the Ministry were prepared to speak, a vote had better be taken at once.¹⁰¹

MR. MACKENZIE said he had no objection to throw himself in the gap. (Hear, hear.) He had greatly admired the speech of the hon. member for Lambton, but he believed there was a fallacy in it.¹⁰² There were some things objectionable in this bill but they furnished no arguments against the principle of the reform. That might be effected without enacting what was absurd in the bill. One of these absurdities was to allow the present crown nominees to remain in the Upper House after the elective principle had been applied to it.¹⁰³ To elect a body along with the 42 already elected, and then leave them to do as they pleased--to be Assembly, Governor and Council--was something so absurd that he could not assent to it.¹⁰⁴ He preferred too that a power of dissolution should exist, as was proposed in the bill¹⁰⁵ ((of)) the hon. member for Renfrew, Mr. Morin and his friends¹⁰⁶ sent home by the late government in 1854.¹⁰⁷ The Bill sent to London by General Rowan when he was administrator of the government, had no such absurdity. The country wanted a senate; and this Bill, would not give a senate, without which no Legislative Assembly could long exist, although they might do without kings. In the Bill of 1853 a provision was contained¹⁰⁸ ((OR)) a promise was obtained,¹⁰⁹ to the effect that when a measure passed by an absolute majority, was vetoed a second time, they should go ((to)) people, who would be their arbiters.¹¹⁰ The bill of 1839, prepared by the late Sir James Stuart, gave the crown the right to purge that body at intervals, and it had had the support of Mr. Labouchere in the British House of Commons. He intended to propose, as he had given notice, to substitute the bill sent to Britain with the address last year, for that now before the House¹¹¹. He had voted for the address on which that Bill was founded, and he had seen no reason to change the position he then took up. The hon. member for Montmorency (Mr. Cauchon) then joined the hon. member for Lambton in voting against the principle of an Elective Council, but he was glad to see that, since he had got office and emolument, his eyes had been opened. He (Mr. M.) still held the same views as when he laboured along with Mr. Lafontaine and Mr. Morin to get such a measure as this.¹¹² He would proceed to point out the difference between the two in which he conceived the former bill to have been preferable to this. First, that bill gave 30 members for each section of the province, making a House of 60--a very good number. The new proposed 24 members for each section. He was not quite suited with this equal division of the representation between the two sections of the province, but as he supposed they would get representation based on population ere long in the Lower House, he did not so much object to this equality in the Upper House which might act as a check upon those who would improperly attack the institutions of the Lower Province. The hon. member for Lambton had spoken of carrying on the government with a single House, or some revising board, but he had seen nothing to substitute for the compact body of a senate. Look at history, and they would see the evils attendant upon the adoption of a single chamber. Look at France in 1795 and 1849, when they endeavored to rule with a single chamber--a popular representative Assembly unchecked by a senate--to what scenes of anarchy and bloodshed did the experiment not lead?¹¹³ The people were glad to take refuge under the despotism of Napoleon the First, as at

a later period they were glad to take refuge under Napoleon the Third.¹¹⁴ There must be some such check in order to secure a good stable government. He liked the term of 6 years, proposed by the previous bill, better than the 8 years named in this.¹¹⁵ During that long period, there was no possibility of sending the councillors back to their constituents¹¹⁶. Four years was quite long enough for the lower House--for his part, he should prefer the old term in England of 3 years, or that in the U. States House of Representatives, 2 years. With such differences as these in the bill, he would ask the hon. Post Master General how he was keeping the pledge given his constituents to carry out the measures of the late administration when he supported this bill, as different from theirs as light from darkness. In that bill it was proposed that one third of the members of the House were to go out every 2 years; by this one only one fourth would go out. By that bill one half of the crown-nominated members were to go out at the end of 2 years and the other half at the end of four, leaving none but elective members after that. Now all the nominated members were to remain in, giving a body of¹¹⁷ 92, consisting of 48 elective and 44 life members,¹¹⁸ which he considered quite too large--larger than (sic) the United States Senate, dealing with the destinies of 25 millions of people. By this arrangement, Montreal would have 9 members, Toronto 6, Quebec 6, Kingston 2, and Cobourg 2, in addition to those elected by the people, and for all the law said, they might stay on for 969 years, if, like Methusaleh, they should chance to live so long. What they wanted of an Elective Legislative Council was in order to get rid of these gentlemen. It would be a great advantage, he thought, too, if all appointments to important offices were, as in the United States, referred to this body. He believed such a course would prevent the appointment of many incapable men to the head of departments for which they were utterly unfitted as was too often the case under the present system. Nor should these offices be kept dangling before people's eyes, as had been done with the Clerkship of the Peace at Three Rivers, while the support of members in that vicinity was needed, to say nothing of the present vacant registrarship at Ottawa. It was now always inconvenient to fill up these offices until after the session of parliament was over. He should not vote against this measure, but would accept it as something better than the present state of affairs, to be improved, perhaps hereafter. They must get on by compromises through life and in all its relations.¹¹⁹

Hear, from MR. HINCKS.¹²⁰

((MR. MACKENZIE continued:)) He objected also to the power of dissolution being taken away, and agreed with the views of the member for Lambton when he shewed the monstrous absurdity of expecting such a system to go on.¹²¹ In this bill there was no such power given. The expense was made much greater by having to pay the allowance of those nominated members, uselessly left in the House. By a clause of this bill those convicted of treason were excluded from election.¹²² He thought that was paying a poor compliment to the men who headed the movement of 1837, and who in shedding their blood in defence of the right of the people to control the public money, had done no more than John Hampden who had got imperishable fame for standing up for the very same rights.¹²³ Now he believed he was wrong in resorting to extremes in 1837. The end they desired to attain might have been reached by other means, but they had all acted from sincere motives to promote the liberty of the people¹²⁴. He saw some of the gentlemen who were then convicted of treason now members of this House, and, if he was not greatly mistaken, the Provincial Secretary, Mr. Cartier, was one of

those who took a prominent part in the movement. He was sorry to see that hon. gentlemen opposite should have displayed so much of a vindictive spirit in putting that clause in their Bill. He thought that men who had been pardoned by their Sovereign, and enjoyed the confidence of their fellow citizens should not be prevented from receiving any office of trust which their fellow citizens might confer on them.¹²⁵

MR. COM. CR. LANDS CAUCHON explained that the clause was mistranslated in the English version. It related to parties lying under conviction of treason not to those who had been.¹²⁶

MR. MACKENZIE. The member for Lambton said they had to decide whether they would have the British or the American constitution here. This was mere clap-trap. We had not got and could not have the British constitution. Where were they to get their House of Lords? The Legislative Council was no more like it than he was to the handsomest man in the House. Then look at the difference between the Queen and the Governor General. The one could do no wrong; the other might be tried and punished for his conduct by his peers. Then the Cabinet was a very different body here from what it was in England. There ministers might be tried by the peers on the accusation of the Commons; could we do that here? The Attorneys General did not sit in the cabinet there either; neither should they do so here. Then there was the Privy Council in England, to which we had no equivalent body. We had not the British constitution, and could not have it and the hon. member for Lambton knew it, but sought with his great talents to palm off his sophisms in this regard upon the House.¹²⁷ And what were American Institutions, but British Constitutions made to suit the circumstances of the new world, where there was nothing of the aristocratic elements. The hon. member for Lambton had made a crack speech, but it had been thrown away on a bad cause.¹²⁸ Nevertheless we had a pretty good constitution which might be rendered still better by a few improvements and under it, he doubted not, Canada would grow up to be a great state, free from the curse of slavery, which made chattels, to be bought and sold, of millions of human beings in the United States. He was surprised that the hon. member had spoken in favor of a single chamber. We had somewhat too much of that under the late Governor General, who gave up all control to the hands of his ministers and the House to which they had to look for support. If Governors allowed deputies to sign warrants, and permitted the public money to be wasted, right and left, for useless or partizan purposes, he might get on smoothly enough and go away to secure some snug office in England, but the country was not benefitted (sic) by such a course. The hon. member for Lambton had urged that the country was not anxious for this measure, because there were no petitions for it. Does not the hon. member know that so long ago as 1836 the agitation was strongly in favor ((of)) it; that a bill was laid before the country last year, and a majority of the members of the House returned pledged to support it? Why should petitions be needed then? And does the hon. member remember that when the matter was first mooted in parliament, since the recent agitation began, that a man of some note in the history of the country, who then exercised a powerful influence on public affairs, the Hon. Robert Baldwin, declared against it--and what was the result? Why at the next election he was rejected by a constituency to whom he was bound by many ties, one which his father represented before him, and he had himself previously represented. That constituency declared in a public meeting in favor of an Elective Council and rejected Mr. Baldwin. When the member for Lambton

asked for petitions in favor of this reform, he would ask in return, where is Mr. Baldwin who opposed it?¹²⁹

Another delay of some length took place without any one taking the floor, and members were called in for the division.¹³⁰ MR. SICOTTE the SPEAKER was about to put it ((the motion)), when¹³¹--

MR. CAMERON ... rose and said,--I did hope that the observations of my hon. friend from Lambton would have called up some member of the Government to have attempted an answer to the arguments he produced. I have waited for some time in the hope that some thing certainly would have been said either by the Attorney General West or the Attorney General East or some other member of the Government, as an attempt to answer those arguments which in my judgment were unanswerable. But it seems that in a case of this importance, in a matter of the magnitude of an entire change of the constitution of this country,¹³² members had so made up their mind as to be determined not to debate it, though they had discussion enough the other evening 'usque ad nauseam' on the subject of the Seat of Government. He did not propose to say anything respecting the course of those members of the Government who having previously opposed this change in the constitution had now taken office on the condition of supporting it, but he would endeavour to show with the member for Lambton that we have now a better constitution than we shall have after the measure is passed¹³³. I am prepared to shew that the course pursued by the hon. member for Lambton is in my judgment the correct one, and that which ought to be pursued also by those who are in the habit of calling themselves conservatives.¹³⁴ He must agree with that hon. member in holding that evidence of the beneficial working of that constitution was to be found in the surprising progress made by the Province since its introduction. Time was when this change was looked upon as the only means of escaping revolution. But those were the days¹³⁵ before we had the system of Responsible Government¹³⁶, when people felt that ... they had no voice in public affairs, all their political privileges being overborne by the power of the Crown and its ministers in the Upper House. One could imagine how in the days when the¹³⁷ celebrated¹³⁸ 92 resolutions were passed in Lower Canada, and the member for Haldimand was in the heyday of political life in Upper Canada, the people had felt they were kept down by the responsible power wielded by the Upper House. But now that the Government had been made directly responsible to the representatives of the people, he believed there was very little feeling in their hearts in favor of the introduction of the elective principle into the Council. The feeling which existed was less against the prerogative of appointing of legislators in that body than as to the mode in which it had been exercised. The ground for all the outcry was that the appointments had not been in all cases such as to carry with them popular approval. No one could say that for¹³⁹ these last 12 or 15 years¹⁴⁰, since the introduction of responsible Government the Legislative Council has been an obstructive body. Who could point out the measure of importance that had been retarded, obstructed or thrown back during that period by the Council?¹⁴¹ Before those days of Responsible Government, what I and others felt to be wrong in the constitution of the Legislative Council was, not that it broke the effect of the popular wave, when the gusts of passion or political excitement had lashed it into fury, but that it stood as a barrier against which the popular wave was urged in vain and was thrown back upon itself, until with accumulated force it swept all before it. Under Responsible Government, the wave has been but gently broken, and whatever the popular

will desired that by degrees has been obtained. But formerly the Legislative Council stood as a direct barrier raised by the Crown against the people, and no wonder that there was then a strong feeling against it, and that a cry was raised for an Elective Council. But when the case ceased, the cry ceased with it, and we found the people no longer demanding that it should be made Elective. Can any man deny that this has been the cause with regard to the history of this country? Can any man deny that the change made by introducing the system of Responsible Government has wrought a corresponding change in the sentiments of the people towards the Legislative Council? Can any one say that we have had any pressure sufficient to change those views which hon. gentlemen on the Treasury Benches expressed on this subject but a short time ago? Can we see any good reasons for this violent organic change in our Constitution?¹⁴² Could any one shew that after the change they will be better satisfied?¹⁴³ And, let it be remembered, what it is we are to change from. Under Responsible Government, the Legislative Council have felt themselves placed in this position, that they were alike above the excitement of an immediate influence brought to bear upon them by the people and above any influence that might be brought to bear upon them by the Crown¹⁴⁴, a position which enabled them to give an unbiassed judgment in public affairs--and herein consisted a great similarity between them and the House of Lords in Britain, notwithstanding the taunt of the member for Haldimand about their exceeding dissimilarity.¹⁴⁵ Such is the theory of our Constitution, and I ask, is it not a correct theory, and one which during the last few years has wrought well in practice? Have we not seen the beneficial influence of the Upper House exerted but a few months ago, on a most important measure, which we passed in this House, but which was certain to meet with the strongest opposition in the country out of doors. That measure was changed, remodelled, altered, and sent back to us by that effete and useless body which we are about to abolish--sent back to us and passed by this House in such a shape that it might be said the Upper House had initiated the measure which is now on the statute book.¹⁴⁶ And were the country not indebted to them for rendering that great measure more perfect? Would the people say it worked badly in that instance?¹⁴⁷ Will any one say that the system is an incorrect one, or that we should not carry out that system, when we have had such proofs of its beneficial practical working within so recent a period?¹⁴⁸ If it had been found an obstruction to legislation in late years there might be some excuse for the proposed change but it had not.¹⁴⁹ The sole motive we could have ever had for changing it was its being found to be in the way of the popular will, but I say that ..., the strongest argument for making a change in the constitution of this country, has ceased, and we have heard no other sound reason to induce us to depart from our old system of government, and to exchange it for the untried scheme of an Elective Council. Instead of this old body, under which as a nation we have risen to wealth and prosperity, we are to be offered a new body of a character so extraordinary that no such body was ever heard of in the world before¹⁵⁰ and probably never would be again¹⁵¹, a body containing within itself the two antagonistic principles of life appointment and election--the principle which they repudiate by the Bill in the one hand, and the principle which they introduce by the Bill on the other. I cannot understand how the Government should have offered us a scheme which is entirely at war with itself. They tell us that the old life system is one which cannot work properly, because the desire of the people, they say, is to have it abolished. But if it is necessary to make this change, to appease, as they say, the cry of the people, why are not the life members removed at once if the principle be an incorrect one. Is it

because they have a vested interest in what is now offered them? Surely in these days that is not an argument to make use of, that vested interests exist and must be preserved. It might do for one who like myself is called a fossil to stand up for vested rights, but it won't do for those¹⁵² hon. gentlemen opposite¹⁵³ whose boast it is to yield and to bow to public opinion in reference to these vested interests¹⁵⁴ whenever it desired their infringement. These were not however vested rights of property but only political privileges which might be taken away.¹⁵⁵ But there may be another reason why this extraordinary course is taken, of providing in a Bill which introduces the Elective principle, that these members shall retain their seats for life. It may be thought it would not pass that branch of the Legislature without that clause in it. It may be thought they would not sound the knell of their own political existence by giving their assent to a measure which deprived them of their seats.¹⁵⁶ Was there any one who did not believe the truth of the assertion of the hon. member for Lambton that the changes in the constitution would not stop here, that the people would soon demand an elective Governor too.¹⁵⁷ Will any one believe that very soon the members elected under this Bill will not entirely sweep away those other members appointed for life? And would this House then object to such a measure.¹⁵⁸ Why was it that the hon. members near him who were usually so loud and open-mouthed in their attacks on the Government ready to oppose their measures on every pretext, and to taunt them with the inconsistencies of their conduct; why was it that these gentlemen all remained so silent on the present occasion when the Government had brought down a measure of this importance?¹⁵⁹ Nothing could stop it but the veto of the Governor, which will not likely be exercised if it is the will of the people that the elective principle alone shall prevail in both branches of the Legislature. And then will be the time for my hon. friend from South York (Mr. Gamble) to step in with his proposition for an Elective Governor, and there will be nothing between us and the adoption of the whole system of the United States.¹⁶⁰ They all look to this as the first step in the direction towards which they wished the political institutions of the Province to be carried, towards an assimilation of our institutions to those of the United States.¹⁶¹

Hear, hear, from opposition benches.¹⁶²

((MR. CAMERON continued:)) When we come then to look at what will arise out of this, when we look at the question in its relation to the continuance of Responsible Government, when we look at what this Elective Council is to lead to, then we begin to find out how it is that for the first time this session all my hon. friends near me are silent, instead of thundering forth, as the hon. members for Montreal, Sherbrooke and Glengary (Messrs. Holton, Dorion, Galt, and Macdonald) are accustomed to do against every measure that proceeds from the Government. Instead of the usual taunts about changes of opinions and so forth we find them all willing to give a silent vote. And why is this, but because they believe that this measure is leading gradually and silently to that change which too many of them look for, an entire assimilation of our constitution to that of the United States. Is not that the case?¹⁶³

MR. J.S. MACDONALD (Glengary). No!¹⁶⁴

MR. CAMERON.--The hon. member for Glengary says, No. He is one of those who still remains attached to the British Constitution, although going for an Elective Council. But will the rest of his hon. friends say the same? Where is the

no sounding forth from them? The member for Glengary is the only one to raise his voice and say that he does not intend that to be the effect of the measure. But do not other hon. gentlemen feel that it will be so? Do not my hon. friends on the Treasury Benches feel it will be so? And will not the next demand be for a two years' assembly, and ultimately we will come to an annual assembly, and assimilate all our institutions to those of the United States.¹⁶⁵

MR. AT. GEN. J.A. MACDONALD.--Are annual Parliaments institutions of the United States?¹⁶⁶

MR. CAMERON.--No! To save them from that, they have a written constitution.¹⁶⁷

MR. COM. CR. LANDS CAUCHON.--Which is changeable every ten years by a convention.¹⁶⁸

MR. CAMERON.--Yes! That is what we are coming to. We too will have our conventions, and our written institutions, and annual Parliaments, and Elective Judiciaries, and when we have reached these,¹⁶⁹ then his honble. friends opposite and all who had ever rankped (sic) themselves as conservatives would regret having taken a part in this fatal measure for the overthrow of British institutions here.¹⁷⁰ But we will not stop there, we must go on. We will have our Elective Governor also, and the elective principle extended to every other office in the country.¹⁷¹ Even before he had entered political life he had been favorable to the development of municipal institutions in the Province--he had differed from his political friends on that point, and the working of these institutions in Upper Canada had justified his anticipations¹⁷² as contributing very largely to our country's prosperity¹⁷³. But he had always opposed and continued to oppose such an extension of the elective principle as that contemplated by the hon. members near him. He believed this measure would destroy the system of Responsible Government. His friends opposite thought not. His friend next ((to)) him (Mr. Gamble) thought it would and therefore supported it.¹⁷⁴ I cannot understand how Responsible Government can be worked along with the system to be introduced by this measure. I cannot understand, how, when we shall have two chambers, each claiming to be returned by and to represent the popular voice, they can be made to give way the one to the other. Will it not be exactly then as in the old times to which I have already alluded before the days of Responsible Government? Although the House of Assembly elected by the people passed vote after vote condemning the officers appointed by the crown, those officers continued to hold their places in defiance of the will of the people. And will not the Executive under the system now to be introduced be able to retain power in like manner by playing off the one House against the other. How can dead locks between the two branches be avoided, and if these occur the Government will be left to act very much unchecked. Do you say that would be prevented by a stoppage of the supplies¹⁷⁵? The power to stop the supplies which had been urged as an attribute which would give the Lower House still the power over Government would not have the same effect here as in England, and how long would it be before this authority would be usurped (sic) or in some way controlled by the Upper House.¹⁷⁶ I do not see then how you are to avoid the difficulties which must arise in practice from the working of two elective chambers. I will not say that, should this measure become law, I would vote that the power of dissolution of the Upper House should be exercised by the

Crown. I say this Bill is too democratic in all its features except that one to suit me, and I therefore accept it at being a check to a certain extent on too hasty legislation. At the same time it destroys Executive responsibility, most undoubtedly it puts an end to that, and then you must come to the system of ruling by Departments, through chairmen of Committees, as they do in the United States. My hon. friend from South York (Mr. Gamble) cries Hear, hear. He feels as I do that the two systems are entirely incompatible with each other, that two Elective Chambers cannot consist with Responsible Government, and that the moment you introduce the one system you put an extinguisher on the other. Are we prepared then to accept of the constitution of the United States? Are we prepared to have Executive Responsibility put an end to, and to have the Executive removed from this house? Are we prepared to find ourselves no longer face to face with the Executive, no longer in a position to call them to account for anything they have done contrary to the wishes and interests of the people? Are we to let that power be taken from us, the most salutary check that can be conceived over misgovernment, and one of those things in which I think the Constitution of the United States is particularly defective, in not having the Executive brought face to face with the people's representatives. Is not that a great safe-guard we have in all transactions connected with political affairs without which we know that many things would be done by the Government in the dark, if they were not convinced that they would be afterwards brought to light in this House? And yet we are to be told that we should assimilate our constitution to that of the United States! And the Commissioner of Crown Lands holds up the Senate of the United States as the model to which our Legislative Council should be conformed! Does he not see the difference between a confederation of States and a single Province like this, the senate of the United States representing not so much masses of people, as the interests of the individual States.¹⁷⁷ There they had a comparatively small body representing a very large constituency, each two members however representing a different sovereign State. The representation there was based on territorial divisions, little Rhode Island being equally represented with the great State of New York. This would be more like the Senates of the several States, where different localities sent members according to population.¹⁷⁸ And that brings up another view of the question, which, whatever hon. gentlemen may say, cannot be evaded. Is the question of population being made the basis of representation to be lost sight of altogether? (Hear, hear.) Are we to make the proportion of members in the Upper House simply a territorial matter? Are we, notwithstanding that the population of the Western section of the Province may in a few years be double that of the Eastern section--are we to have no change on the equal representation of the two sections of the Province? Is it a rule from which we are never to depart that population shall not be the basis of representation? (Hear, hear.) No! The feeling in favour of representation by population is one which will grow, which will gain strength, which we cannot prevent from gaining strength in this country. (Hear, hear.)¹⁷⁹ They should hardly base the representation in the Upper House on territorial division and make no change in the Lower House. They might assume that the requisite change in the Lower House would be taken up hereafter, and successfully under the Imperial amendment to the Union Act whereby such a change could be effected by the vote ((of)) a simple majority. In reply to the argument against the present measure that the two Houses must come some time into a state of direct and irremediable antagonism, it might be said that the same risk of a deadlock prevails under present system. But there is a remedy now in the hands of the Crown, and that remedy if used properly only in cases of

extreme necessity would be approved of by the people.¹⁸⁰ And even when it was found absolutely necessary by the Government to put men in the Legislative Council to carry measures desired by the people, was not that mode of carrying on legislation infinitely better than any that is offered in the Bill now before the House?¹⁸¹ While on the one hand a large property qualification is properly required of the members of the Upper House, that for members of the Lower House is altogether abolished. This would have the effect of turning the eyes of the people more towards the Upper House and give them more confidence in it. That would be the effect too of changing a portion of it every two years.¹⁸² When I look at the character of this measure and when I see so many of my honourable friends around me rejoicing at the introduction of this Bill, and giving it a silent vote, I cannot help thinking there is a large number of them who are looking upon it as but one step in the direction they wish to go¹⁸³ ((as)) it tended to impose the democratic element into an institution.¹⁸⁴ I cannot help feeling that we are about to consummate an act, the effects of which hereafter will lead us all to regret that we did not allow the Legislative Council to stand as it is for many years to come. I cannot help again saying that it is not the matter of the Constitution but the manner in which it has been exercised that has caused the difficulty. I cannot help feeling that if the question was put fairly before the people of this country, they would look upon it precisely in the way in which it has been looked upon by the people of those other colonies alluded to by the hon. member for Lambton, and also by the people of the Cape of Good Hope, who, when their first Constitution was offered them, repudiated the idea of an Elective Legislative Council. I believe that this measure is not in accordance with the wants and views and feelings of the people of this country, and that they would raise their voices strongly against it, if they understood that the effect of it would be to extinguish that Executive Responsibility for which they have so long struggled, by throwing a barrier in the way of their representatives exercising that proper control over the Executive which they ought always to have. I see that the effect of this measure will be the passing away of almost the last remnant of our Constitution. See the manner in which this country has risen to its present prosperity and the position we have assumed in the eyes of the world as one of the greatest colonies any nation in Europe ever possessed. Look at this glorious land--our wildernesses have been gradually destroyed, fair cities have risen from the midst of our forests, fertile plains have taken the place of our tangled woods, on the bosom of our waters floats the produce of every land, while our country is peopled by the men of every clime--seeing how we have thus grown up under our present constitution, and seeing the difficulties in the way of the change, and feeling that there can be no strong desire on the part of the people of this country to assimilate our Constitution to that of the United States, I deprecate this movement, and shall in every way in my power lift up my voice against it. I feel that we have been¹⁸⁵ free,¹⁸⁶ happy, prosperous, and contented under our old constitution, and I do not see any sweeping change that can be beneficially made upon it. We have wealth, happiness, and peace under our present constitution which in its new working under Responsible Government, I respect and cherish, and I desire that it should grow old, that we and those who come after us may learn to venerate it as well, instead of picking up this new-fangled bantling which would probably lead us in the end to Annexation with the United States, a result which I would fain still hope that the great majority of us would most sincerely deplore. (Cheers.)¹⁸⁷

MR. AT. GEN. J.A. MACDONALD.--The honourable member for Toronto in commencing to address the House, expressed his surprise that no member of the Government should have risen to reply to the speech of the hon. member for Lambton or to vindicate the measure now under consideration. But it must be remembered that this is no new subject. It has been before the country for many years, and was fully discussed when the last parliament passed a series of resolutions, which were as solemn a decision of the Legislature as if it could then have passed a formal law. On that occasion the arguments which have been so ably pressed by the hon. member for Lambton were for the first time laid before the legislature, and the resolutions he introduced in accordance with those views were voted down by a large majority of the House.¹⁸⁸ It had been solemnly established, as the opinion of the representatives of the people, that the Legislative Council should be made elective¹⁸⁹. The arguments of the hon. member for Lambton, strongly, ably, zealously as they have been urged to-night, were not a whit more strong, more zealous or more convincing than when pressed on the previous parliament. Many hon. gentlemen who heard him to-day were like myself pleased auditors of the previous speech of my hon. friend. But, when he spoke on this occasion, he spoke after having heard me on the first reading of the Bill explain the reasons which have induced us to bring it forward, so that his speech, instead of calling for an immediate reply from me, may be looked upon as in some sense a reply to the arguments which I feebly and inadequately urged on the introduction of the measure. But the member for Lambton was replied to by the member for Haldimand, who, it is true after his usual interesting and amusing fashion, interspersed his speech with attacks on everybody and everything, every body in general and the administration in particular, but who at the same time answered very many if not most of the arguments of the hon. member for Lambton. We had thus the issue presented on both sides, and I expected to see some other hon. gentlemen who agreed with the hon. member for Lambton get up and answer the member for Haldimand, and I was not disappointed, when the hon. and learned member for Toronto rose after the hon. member for Haldimand, and it now devolves upon me in my turn to express my views on the subject. It strikes me as somewhat remarkable that the only reason why those hon. gentlemen are opposed to the measure, is that it involves a change in the British Constitution, under which they say we have grown up to our present wealth and prosperity. But I think I can prove at this moment we have not the British Constitution in Canada--I can prove it out of the mouths even of those hon. gentlemen themselves. The member for Lambton said--"as it is now, the Upper House, if it does no good, can do no harm."¹⁹⁰ The honorable member for Toronto, too, cited the fact that the Upper House was not now obstructive; which in plain English was to say that it was useless.¹⁹¹ The member for Toronto said--the Upper House has never been an obstruction--it has never interfered with the legislation of the Lower House, except in the case of the Seignorial Bill, where they ventured to forget for a moment that they were the creatures--to use the language of the member for Lambton--the creatures of this House, liable to be destroyed by the breath of this House, or to be swamped by the administration of the day. Over and over again we have heard this idea that the reason why we should preserve our constitution was because the Upper House, if it did no good, could do no harm.¹⁹²

MR. BROWN.--I took up a very different position. I said the Legislative Council had done a great deal of good. (Hear, hear.) But I added that, even taking the lowest ground that it did no good, it at least did no harm, so as to warrant a violent change in the Constitution.¹⁹³

MR. AT. GEN. J.A. MACDONALD.--I was stating, Mr. Speaker, that we had not the British Constitution in this Province. We have it only in name. It was intended in 1791 that we should have a transcript of the British Constitution, and nominally we have it, except in the difference between life and hereditary members of the Upper House. But we have not really the British Constitution, for we have in fact only one chamber elected directly by the people and acting directly on the Crown. No one in this house, not even the hon. member for Lambton or the hon. member for Toronto, can get up and state that there is any real and effective check upon this House ever exercised by the nominees of the Crown in the Upper House.¹⁹⁴ They altered the phraseology or spelling of a few bills, but with the single exception of the Seigniorial Tenure bill, referred to by the hon. and learned member for Toronto, they had hardly meddled with any measure passed by the Lower House. The charge formerly brought against the Council was that it was obstructive, and so did harm. Now it was alike harmless and useless. The gentlemen opposite who had spoken against the bill, were fighting not in favor of the British constitution, but another system based upon a single chamber, against a measure which by giving a real existence to the Upper House, would assimilate our constitution more closely to the British.¹⁹⁵ They are fighting against an attempt to introduce in spirit the British Constitution, which is one hereditary Sovereign, one body elected directly by the people and being the immediate numerical expression of the voice of the people, and the other a body checking that numerical expression. But here we have in fact only one Chamber. Now I have strong convictions against one Chamber.¹⁹⁶ A double Legislative body, made up even as suggested by the member for Lambton, by dividing that House in two parts, and giving one an opportunity of discussing and weighing its decision, ((was)) infinitely preferable to legislation by a single chamber.¹⁹⁷ The check we require is not to be an obstruction. It is to be merely a revision, but a revision which is necessary, unless you wish our single chamber by degrees to absorb (sic) both the judicial, and executive as well as legislative power. It has pretty nearly absorbed the Executive power already, and if no check is applied, it will ere long absorb the judicial,¹⁹⁸ and all knew that when this was the case--as Montesquieu had declared--the constitution was at an end. If hon. gentlemen feared the destruction of the British constitution in Canada, they should put an end to a system in which there existed the unchecked power of a single Legislative chamber. We had in fact but a single feature of that constitution existing here, viz., the principle of direct responsibility of ministers to the people, and that they would preserve. They were told this could not be done; that with an Elective Legislative Council responsible government must cease.¹⁹⁹ If I thought this, I would be the last to support it. But in some of the British Colonies we know that there are now a Governor and two Elective Chambers as we propose to have, and no dead lock has occurred.²⁰⁰ In Australia the two systems existed together. Elective Councils and responsible government had been granted to some of these colonies by the self same despatch. In the Upper House they had a large property qualification as here, in the Lower little or none. Yet they had heard of no dead lock in the government there.²⁰¹

MR. BROWN. There had not been time.²⁰²

MR. AT. GEN. J.A. MACDONALD. In Belgium they had had the same thing²⁰³ since 1832²⁰⁴. They have an Elective Senate and Lower House with a Sovereign and a Responsible Ministry.²⁰⁵

MR. BROWN.--And the power of dissolution.²⁰⁶

MR. AT. GEN. J.A. MACDONALD.--I was speaking simply of the fact that two Elective Chambers were not inconsistent with Responsible Government²⁰⁷, and amid the shock of revolutions which disturbed the face of all Europe in 1848-9, the Belgian constitution and government remained unharmed, proving that an elective Upper Chamber was not incompatible with Responsible Government. Why could they not carry out that system here?²⁰⁸ The hon. member for Lambton says that the Upper House being Elective will place themselves in opposition to this House, and insist on their being as much the direct representatives of the people as we are²⁰⁹, and will usurp all the privileges of the popular branch, adding them to their own peculiar privileges and engrossing all the power in the state.²¹⁰ But it is with the view of avoiding that, for the purpose of giving them a different course of action, a different set of powers, for the purpose of making them a check instead of merely a different body equally representing the people, it is for that purpose that we have made the distinctions embodied in the measure.²¹¹ They had been given a longer term of service purposely to prevent their arrogating to themselves the immediate representation of prevailing popular views.²¹² We give them a term of 8 years and to this I attach great importance, for by having a shorter term the Lower House will still retain the character of being the popular branch, to which the constitutional advisers of the Crown must look for support, for countenance, for maintenance in their position. On them the Ministry of the day must depend, knowing that by their breath they stand, with their disapproval they must fall. The member for Lambton thinks that the Upper House will fight for an equality of privilege. But can we believe that in our time any Upper House, formed is (sic) it may will ever have greater power in Canada than the Barons in England, who were unable with all their power and with all their might to repress the Commons, simply because the Commons held the great power of initiating money grants which will be retained by our Lower House.²¹³ In old times the barons held all the power, but exhausting wars made it necessary to coax the burgesses to obtain money from them. At first they only had a right to send representatives to vote benevolences to the crown, attaching to their subsidies a petition setting forth their grievances. From that small beginning had gradually grown up step by step the present all engrossing power of the Commons in England--a power the barons could not stay or recover for themselves. And would an Elective Upper House manage to do that in Canada which the nobles of England had so signally failed to do? But they will be enabled to usurp it, because they too were representatives of the people. Was history then of no use to them? Was the example of Belgium of no value? Did the history of the neighboring Union furnish them with no reliable precedent? There they had a senate clothed with much greater powers than our council would be, partaking in fact of ambassadorial as well as legislative authority, representing different sovereign States, and sharing to some extent the Executive authority also. Yet there, as in the several States the power of the House had been given to the more popular branch--the Houses of Representatives, and much as the Senates were respected, great as were their influence there had never been any attempt on their part to engross the power of the House.²¹⁴ The members of the Lower House representing smaller districts, will ever be held to be the representatives of the tax-paying interests of the people, and must therefore necessarily hold the purse strings.²¹⁵ So long then as this attribute was left to the Assembly, so long must the Ministers of the Crown depend on the

confidence and support of that House for the power to carry on the Government of the Country--and were not the people of Canada well enough fitted for self Government to resist any such effort to destroy the balance of the constitution as that which gentlemen opposite seemed to dread? Let the Upper House do what it would they could not usurp (sic) the power of the Lower house. If indeed the Government and the Assembly conspired to waste the public money, they might be checked by the Upper House, and must appeal to the country. By the decision given by that tribunal both Houses would feel themselves bound. The most conclusive reason, however, he would repeat, which should induce the people and the majority of that House to adopt this reform was the danger to be apprehended from a single Chamber. No man in that House was perhaps so good a representative of the high chivalrous spirit of the old cavalier as his hon. and learned friend the member for Toronto, and he would remember what was the result when just previous to the great rebellion, England tried the experiment of a single Chamber while she was ruled by the long Parliament. That body gradually absorbed the authority over the militia and all the other prerogatives of the Sovereign and the Lords, declaring at last that the latter body was no longer an estate of the realm. The first result of that proceeding was a revolution which brought the head of the monarch to the block and led to a military despotism. It was not now when the heavens were calm above us, and the surface of our political waters unruffled by an angry breath of wind, when no great question powerfully stirred the souls of the masses, that the evils of this system were likely to make itself felt. But let such another agitation as that about the Clergy Reserves was long ago arise; and there was every reason to apprehend a disastrous result. He had made up his mind that when legislating on this subject and framing a constitution for themselves and their posterity it was not wise or safe to leave the government of the country to a single Chamber. And how could they form a second which would be a check on the haste or rashness of the other? They had here no hereditary aristocracy--no aristocratic element, no influence based on great names of immense estates, no influence by reason of these which could be as in England exerted by an Upper on a Lower House. In short they had not and could not have a House of Lords as in Britain. The present House did not furnish that check. For these many years, with a few important exceptions, they had not meddled with any of the legislation of the Lower House except the Seigniorial Tenure Bill.²¹⁶ Without wishing to speak disrespectfully of the Upper House, I may say that we all know that, except in some few isolated cases, they have contented themselves with being the mere registrars of our Bills, which they read over and perhaps correct some errors in spelling or grammar, and then send them down to us. They have exerted no real influence in the State, they are of no use, and all that can be said of them is to employ the language of the member for Lambton, they have done no harm.²¹⁷ They proposed to have the members of that House elected for eight years, twice the length of the term of the members of the Lower House.²¹⁸ It was strange to hear the hon. member (Mr. Brown) complaining of the term of eight years, and yet talk of the United States. The members of the Senate are those elected for six years, and the Lower House for two years--being three times²¹⁹ as long²²⁰, instead of twice, as proposed by this Bill.²²¹ Yet he thought the period itself long enough to do away with the apprehensions of the hon. member for Lambton about the introduction of the vaunted democratic elements of the American Constitution.²²² He did not know whether the hon. member for Lambton would propose to reduce the period as he says to two years and four. In doing so he would be only carrying out a still more democratic principle than the United States.²²³

MR. BROWN.--No, not so Democractic (sic), he wanted it more Conservative than the present system²²⁴ ((OR)) he had complained of the American system as too conservative--too aristocratic.²²⁵

MR. AT. GEN. J.A. MACDONALD.--Oh! the hon. gentleman looks through the other end of the telescope. The United States is, then, too aristocratic for him, and yet while he objects, and we try to make it sufficiently Democratic to please him, he objects, also, to that. How can the honorable gentleman's argument be understood!²²⁶ Well, he should be satisfied then, that the proposed term of the Upper House would be but twice as long as that of the Lower, instead of the three times as in the United States.²²⁷ The hon. gentleman was begging a question that responsible government was incompatible with the government of the United States. There was no reason in the world that it was necessary there. But it may be important for them to have a responsible government, and they may have a good constitution if they had.²²⁸ The Americans had discussed the question of responsible government at the time of the formation of their constitution, and it was not held to be incompatible with two elective Houses. On the contrary, its introduction had been ably advocated by some of the cleverest men of these days in the Federalist, as required to perfect their institution.²²⁹ The hon. member for Haldimand compared this measure with the preceding one sent home to England, which he said he preferred²³⁰. ((He)) thought 92 members too large a body, and as it was, he had advocated 48 members instead of 60, as proposed in the other bill, and he conceived that a still less number might perhaps answer the purpose still better. The first Senate of the United State, with a population of 3,000,000 only, had 26 members, and a better, wiser or more effective body, the world had never seen.²³¹ It was now, 68. In Belgium it was only 30 or 40.²³²

MR. BROWN.--It is 54.²³³

((MR. AT. GEN. J.A. MACDONALD continued:)) But the hon. member should remember that many of the present members never attended, and most of them were advanced in years, and would be gradually dropping off. They were likely never to have a larger number than 60 or 65 in attendance at a time, which would not be an inconvenient or tumultuous body. With 130 members in that House they were not a tumultuous or inconveniently large House. It was of importance too, to consider that in all great constitutional changes such as this, which amounted to a revolution, though, thank God, a bloodless one, the danger was always in the beginning. Now, the change would be gradual, so gradual as to produce no immediate violent alteration in the working of the constitution. The new members would find the old ones there possessed of Parliamentary experience and a knowledge of routine, which would be of advantage to them, and remove many difficulties in the way of the adjustment of their action on the measures laid before them. The hon. member for Toronto had called this combination of nominated and elected members as extraordinary and unheard of. Surely he was aware that ... such Houses existed in the Australian Colonies. We had heard much of the danger of a dead lock between the two Houses, on account of the conflict between their views on the same measures. The only conflict that could arise between them must necessarily be for popular favor. The hon. member for Lambton apprehended that the Upper House would engross all popular favor; but he was so obstinately wedded to his own convictions, sincerely entertained he doubted not,

that he would rather destroy the measure and make it unworkable than endeavor to perfect it. While the Upper House would be withdrawn from the direct action of the fluctuations of popular opinion,²³⁴ and would be a conservative body²³⁵, it could not prove an obstacle to its steady march, because half of it was changed every four years. But they were told the change of 6 members for each section of the Province in every two years would have no perceptible effect on the views of the Upper House. He contended it would have a powerful effect on both Houses. Why a single election now sometimes had a great effect upon public opinion. Had his honorable colleague the Post Master General been defeated for North Wentworth, when so many gentlemen on that side of the House abandoned their Parliamentary duties to secure that object, would it not have been claimed as an index to the opinion of the liberal constituencies throughout Upper Canada? And again when his hon. colleague, the Provincial Secretary, had been more recently so vigorously opposed at Verchères, if his defeat ((had)) been accomplished would that have had no effect on public opinion as expressed in Parliament and out of Parliament. Suppose an election for a member of the Upper House for a district made up of Kent and Lambton, were to take place to-morrow, and the electors who had supported the hon. member for Lambton were to vote for a person possessing opposite views on this or any other important measure, would not the hon. gentleman take the hint. Suppose one for Kingston and Frontenac, in which the electors condemned the course of himself and his hon. and learned friend the Attorney General on some government question, would that be without its effect? When it was complained that the Upper House was too Conservative as remaining unchanged by the public voice for 8 years, these partial changes every 2 years were ignored. Under such a system he could not imagine that the case of a dead lock between the two Houses by one of them resisting public opinion could take place. But supposing the worst, supposing that House resolutely set itself up to override the decisions of the popular branch without reference to popular will. Then one plain cause (*sic*) out of the difficulty remained.²³⁶ Why, the House would dissolve--the ministry of the day would go out--and an appeal would be made to the country and to public opinion. This House would always be ready to go ((to)) the people, and would be the people's House--and would be a body proceeding immediately from the people.²³⁷ If they obtained the popular decision in their favor, all must see that all the Legislative Councils in the world would not dare to disobey the popular command, or prevent the passage of a measure which the people desired. At the time of the passing of the Reform bill, the existence of the House of Lords was threatened, and feared not as a measure of tyranny on the part of the Crown, but as the demand of the people expressed through the Commons, and that House yielded, as our Upper House must do under similar circumstances; no matter how injudicious or unwise legislation might be, if it appeared that the people desired it after the conservative²³⁸ chamber had given them time to reflect it must be carried out. The present measure should then be considered well in all its details, but it should also be understood that it might be hereafter improved. There could be no finality. His desire was to introduce the elective principle without destroying our present institutions. Other constitutions much more beautifully framed had flourished for a short time, according to Bentham or Sieyes in South America,²³⁹ or on the continent of Europe; but they had faded away, "its breath might make them as a breath has made;" but the British constitution continued.²⁴⁰ History tells us that the greatest nations have lost their political sobriety by hasty legislation--and to prevent this the measure before

the House had been introduced. He would ask honorable gentlemen at the other side to consider all the clauses before they would think of proposing amendments. Let us avoid mushroom constitutions--let us have the British constitution in spirit, with our Sovereign Queen reigning over us, and glory in it as British people and British subjects.²⁴¹

MR. HINCKS.--I rise with diffidence to speak on this question, than which one of greater importance cannot well come before us. I cannot hear the hon. member for Lambton and the hon. member for Toronto, to both of whom I will give this credit that I believe they are sincerely attached to that system of Government which I also believe is the best for the interests of this country--I cannot hear them express themselves in such strong opposition to this measure without feeling at all events a little distrust of my own judgment, although I can say that the opinion I have arrived at has been formed with great deliberation, and in concert with gentlemen who I believe are just as sincerely attached as I am to the British Constitution and to British connection.²⁴² But he complained of the member for Lambton, that he throughout had shown a determination, if the bill were passed against his judgment, to do his best to prevent it from working, he made no allowance for the possibility of others being right. The hon. member had made a great point of the fact that gentlemen favorable to elective institutions²⁴³ which prevail in the adjoining Republic, are supporters of this Bill, and we have been warned of the consequences of allowing the small point of the wedge to be entered in the first instance. It may be that those hon. gentlemen look to the adoption of these principles as the result of this Bill, and the member for Montreal (Mr. Holton) has told us that this is the first step in the right direction. But I will say this, that it is impossible that these institutions can be established without the consent of the people of this country, and if the people of this country desire it, it is not by stopping this bill that you can prevent it. (Hear, hear.) But I do not believe that the people of this country desire those institutions.²⁴⁴ He dissented from the opinion of the Attorney General (W.) that the system of British responsible government, could be worked with American institutions, for there the President was himself elected, and his position would be strange, if his ministers were in the legislature exposed to continual defeats.²⁴⁵ As has already been remarked by the member for Haldimand, and by the Attorney General, we have not the British constitution here as it is in England, but we have a certain system which is as near a resemblance to it as it is possible in our circumstances to have. (Hear, hear.) Of course we cannot have a hereditary peerage, but we are next to unanimous in desiring to have a second branch of the Legislature. We have heard a great deal about Conservatism, but if we are to have a second Chamber at all, it must necessarily be of a Conservative character²⁴⁶, though not so conservative as seriously to impede the march of legislation²⁴⁷. It does not follow, ..., that you are to make it offer a serious obstacle to the carrying out of the views of the Commons House. As we cannot have a hereditary Peerage, we are of course left either to the system of nomination or to that of election. How then does the principle of nomination work at present?²⁴⁸ It was easy to remark as the Attorney General West had done upon appointments to the Council; but he had looked over the list of creations in England for the last 15 years, and he found that for a house of between 400 and 500 members, there had been, perhaps with the exception of a few Irish and Scotch peers made peers of Great Britain, &c., only twenty creations, of which only three were not of highly distinguished men²⁴⁹ ((OR)) of distinguished men.²⁵⁰ What had happened in Canada? Why in

much less time twenty-nine persons had been named to a House of 40 or 50 members, of whom several were aged and infirm. To keep up such a body constant appointments by the ministry of the day were necessary, and these usually gave great dissatisfaction.²⁵¹ The position also of the Legislative Council is such that they cannot exercise a proper check on the proceedings of this House. The member for Toronto put very forcibly the case of the Seignorial Bill and the important change that was made in it by the Legislative Council. It is true that in that case they made most important amendments on that Bill, and that those amendments were sanctioned by this House; but I appeal to hon. gentlemen who have been in Parliament for the last eight or ten years, whether in every instance during that period that the Legislative Council has taken up an independent position, there has not been the greatest dissatisfaction in this House, and whether we have not often listened here to the most violent language used against that body for throwing out Bills of the most trumpery character²⁵², such as the registry bill²⁵³. Supposing that the Upper House were to throw out the Prohibitory Liquor Law, after it should be passed by this House, I am certain there would be the greatest storm of indignation raised about it, not only in this House but all over the country. (Hear, hear.) We recollect the burst of indignation which was raised, when from only being allowed a few days to consider it, they threw out the Seignorial Bill. The Attorney General himself shewed some discomfort on that occasion. A very strong feeling was manifested, which every one will agree with me, never could be got up on account of the rejection of a Bill by a body elected by the people themselves.²⁵⁴ Of course every prerogative might be pushed too far--that of the crown for example; but whatever might be said it would be quite impossible to create any second chamber in this country that would possess power equal to that of the House of Lords²⁵⁵, and yet have we not seen Governments there carried on in opposition to the House of Lords? During the last administration of Lord John Russell, how often was the Bill for the Emancipation of the Jews passed by the House of Commons, and as often rejected by the House of Lords, and in that matter the House of Lords has been submitted to. But at the same time they have discretion enough and patriotism enough not to stretch their power to its utmost limit, not to act from those factious motives, which I am sorry to find that the member for Lambton insists will have a place in our Elective Upper House. I do not believe anything of the kind. I have more confidence in the people who will have the election of that House, and I have full confidence that the people will insist that those they send to that House shall keep within their own bounds, and not lay claim to any powers not given them by the Constitution. The hon. member for Lambton referred to the Militia Bill; but even should the Elective Upper Chamber reject a measure of that description I would be willing to bow to their decision.²⁵⁶

MR. J.S. MACDONALD (Glengary).--In what case should the ministry resign if the Upper House threw out their measures?²⁵⁷

MR. HINCKS.--You might as well ask what measures should be thrown out by the House of Lords to make the English ministry resign. I think it is a great mistake to imagine that ministries should always resign when they fail to carry their measures. I could refer to many cases where the ministry have had to abandon their measures in the House of Commons itself, and have yet retained their places. The question of resigning depends altogether on whether the ministry have got the confidence of the House of Commons or not. If they have not,

the House will take a speedy way of letting it be known. The supposition that the Government must go out every time they lose a measure is the greatest blow that could be struck at the independence of members of this house.²⁵⁸

MR. BROWN.--The point of my argument rested on the Militia Bill being intimately connected with the administrative functions of the Government.²⁵⁹

MR. HINCKS.--I am not prepared to say that the Militia Bill is of that vital importance that the failure of the Government to carry it should necessitate their going out. I think our Militia system is defective, but we have gone on for many years with this defective system, and I suppose we might go on with it for a few years longer. (Hear, hear.) The hon. gentleman then referred to the details of the bill under discussion. He thought the term of eight years too long. He entirely approved, however, of the reduction of the number of members from 60 to 48,²⁶⁰ ((and)) 40 even would be a better number than 48²⁶¹, as it was desirable that the Council should be more of a deliberative body than that it should be tempted, by its numbers being large, to separate itself into party divisions. He regretted to see the power of dissolution withdrawn, although it was not a point to which he attached much importance.²⁶² The power of dissolution by the crown should have been returned for urgent cases though of little practical moment and one that few ministers would dare to exercise²⁶³. He thought also the measure might be so arranged, that by having large elective divisions there might be a periodical appeal to the whole Province instead of to certain sections of it. Let there be a House of 48 elected for 6 years, 16 going out every two years, and then, instead of 48 electoral divisions, let there be only 16, each of which would elect a member, once in 2 years, instead of the 48 electing a member only once in 6 years and at different periods. Instead of appealing to one-third of the Province, he would in this way appeal to the whole Province every two years. (Hear, hear.) They would thus, he thought, obtain a higher class of men as members of that House, and he believed that under this system it would become more an object of ambition to sit in the Upper House than in the Lower.²⁶⁴

(760)

*On motion of Mr. Gamble, seconded by Mr. Wilson,
Ordered, That the Debate be adjourned until To-morrow, and be then the first Order of the day.*

*Then, on motion of Mr. Gamble, seconded by Mr. Wilson,
The House adjourned.²⁶⁵*

APPENDIX: 27 MARCH 1855.

((NOTICE OF MOTION RE: AN ADJOURNMENT.))

MR. PRES. EX. COUN. MACNAB said that in consequence of the number of fêtes d'obligation in next week, it was the intention of the government to move for an adjournment of the House, from Thursday of the next week until Tuesday of the week following.²⁶⁶

((NOTICE OF QUESTION RE: ORGANIZATION OF MILITIA.))

MR. J.S. MACDONALD (Glengary) ((donne avis qu'il)) demandera au ministère s'il y a quelque fondement à la rumeur qui circule qu'une proposition a été faite par les autorités impériales en Angleterre au gouvernement de cette province de lever un ou plusieurs régiments en Canada pour le service actif ici ou à l'extérieur, dont les officiers subalternes seraient des canadiens, et les autres des officiers du royaume-uni, avec recommandation qu'un octroi de terre soit accordé à chaque soldat qui pourra s'enrôler dans tels régiments.²⁶⁷

((NOTICE OF MOTION RE: AMENDMENTS TO LEGISLATIVE COUNCIL BILL.))

MR. FELTON ((donne avis que)) lorsque la chambre siégera en comité général sur le bill pour rendre le conseil législatif électif--((il)) proposera des amendements à l'effet suivant:

Omettre la 7e clause, et rendre les membres de l'une des deux chambres éligibles comme membres de l'autre chambre avec liberté de rendre leurs sièges vacants dans l'un et l'autre cas.

Pourvoir à ce que le conseil législatif n'ait le pouvoir de prendre l'initiative dans la proposition d'aucune loi quelconque.

Pourvoir à ce que le conseil législatif électif ait seulement un vote conditionnel sur les bills de l'assemblée--Et à ce que les bills rejetés ou amendés dans le conseil soient renvoyés par le conseil avec un exposé des raisons qu'il a eues d'en agir ainsi, et si, après nouvelle considération, tels bills sont passés par un vote d'au moins les deux tiers de l'assemblée législative, ils deviendront loi, après avoir été présentés au gouverneur général et sanctionnés. Pourvu que pas moins de ____ ni plus de ____ jours ne s'écouleront après telle première passation des bills et avant telle reconsidération d'iceux dans l'assemblée législative.

Pourvoir à ce que le nombre élu des membres du conseil législatif n'excède pas ____ pour le Bas-Canada, et le même membre (sic) pour le Haut-Canada, non compris les membres actuels.

Qu'à la dissolution ou expiration du présent parlement une moitié des membres élus qui sera désignée par le sort, mais en nombre égal pour le Haut et le Bas-Canada, et aussi la moitié la plus ancienne des membres actuels cesseront d'être membres du conseil; et qu'à la dissolution ou expiration du parlement suivant, l'autre moitié des membres élus et les membres actuels du conseil sortiront.

Qu'à l'époque de chaque élection générale de l'assemblée législative, une moitié des membres du conseil sera élue pour remplacer les membres élus qui sortiront.

Le conseil électif après la première élection de membres sera nommé le "Sénat."²⁶⁸

FOOTNOTES: 27 MARCH 1855.

1. LE PAYS, 3 April 1855.
2. TORONTO DAILY LEADER, 3 April 1855. It appears that Mr. Cauchon's speech was first presented in French. According to TORONTO DAILY LEADER, 3 April 1855, "At the request of Mr. Brown, Mr. Cauchon repeated his remarks in English."
3. MORNING CHRONICLE, 29 March 1855.
4. TORONTO DAILY LEADER, 3 April 1855.
5. MORNING CHRONICLE, 29 March 1855.
6. TORONTO DAILY LEADER, 3 April 1855.
7. MORNING CHRONICLE, 29 March 1855.
8. GLOBE (in Scrapbook Hansard, 27 March 1855). The Scrapbook Hansard identifies the source of their report as the GLOBE. This report does not appear on the microfilm of the GLOBE newspaper, therefore the date cannot be determined. The debate on the bill to make the Legislative Council elective may have been reported in the GLOBE, 29 March 1855 (Thursday). This issue is absent from the microfilms and is the only issue absent from 27 March 1855 to 30 April 1855.
9. TORONTO DAILY LEADER, 3 April 1855.
10. LE PAYS, 31 March 1855.
11. MORNING CHRONICLE, 29 March 1855.
12. MONTREAL GAZETTE, 30 March 1855.
13. MORNING CHRONICLE, 29 March 1855.
14. MONTREAL GAZETTE, 30 March 1855.
15. MORNING CHRONICLE, 29 March 1855.
16. MONTREAL GAZETTE, 30 March 1855.
17. GLOBE (in Scrapbook Hansard, 27 March 1855).
18. MORNING CHRONICLE, 29 March 1855.
19. TORONTO DAILY LEADER, 3 April 1855.
20. IBID.
21. MORNING CHRONICLE, 29 March 1855.
22. TORONTO DAILY LEADER, 3 April 1855. This newspaper reports the Legislative Council would be composed of "48 elected members and 40 non-elected members." GLOBE (in Scrapbook Hansard, 27 March 1855), reports in footnote 118, that the proposal was for "a body of 92, consisting of 48 elective and 44 life members." This fact, as reported by GLOBE, is mentioned frequently throughout the debate on the bill to make the Legislative Council elective.
23. GLOBE (in Scrapbook Hansard, 27 March 1855).
24. TORONTO DAILY LEADER, 3 April 1855.
25. MORNING CHRONICLE, 29 March 1855.
26. GLOBE (in Scrapbook Hansard, 27 March 1855).
27. TORONTO DAILY LEADER, 3 April 1855.
28. MORNING CHRONICLE, 29 March 1855.
29. TORONTO DAILY LEADER, 3 April 1855.
30. GLOBE (in Scrapbook Hansard, 27 March 1855).
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.

36. TORONTO DAILY LEADER, 3 April 1855.
37. GLOBE (in Scrapbook Hansard, 27 March 1855).
38. MORNING CHRONICLE, 29 March 1855.
39. GLOBE (in Scrapbook Hansard, 27 March 1855). The ellipsis represents an illegible word.
40. MORNING CHRONICLE, 29 March 1855.
41. GLOBE (in Scrapbook Hansard, 27 March 1855).
42. MORNING CHRONICLE, 29 March 1855.
43. GLOBE (in Scrapbook Hansard, 27 March 1855).
44. IBID.
45. IBID.
46. MORNING CHRONICLE, 29 March 1855.
47. GLOBE (in Scrapbook Hansard, 27 March 1855).
48. MORNING CHRONICLE, 29 March 1855.
49. GLOBE (in Scrapbook Hansard, 27 March 1855).
50. MORNING CHRONICLE, 29 March 1855.
51. GLOBE (in Scrapbook Hansard, 27 March 1855).
52. GLOBE (in Scrapbook Hansard, 27 March 1855). This interruption by Mr. Holton is reported in MONTREAL GAZETTE, 30 March 1855, which is a partially identical copy of MORNING CHRONICLE, 29 March 1855. According to TORONTO DAILY LEADER, 3 April 1855, and HAMILTON SPECTATOR, 4 April 1855 (a partially identical account), it was Mr. J. Dorion who interrupted at this point in Mr. Brown's speech. Since his comment and Mr. Brown's reply differ slightly from Scrapbook Hansard, the excerpt from TORONTO DAILY LEADER is reprinted below for the reader's consideration:
"Mr. J. Dorion of Drummond.--It was a first step.
Mr. Brown.--They take it as a first step, as the honorable gentleman says; but how can they accept it?"
TORONTO DAILY LEADER continues Mr. Brown's speech, reporting the facts as they are contained in Scrapbook Hansard but the latter report is lengthier and a first person account.
53. GLOBE (in Scrapbook Hansard, 27 March 1855).
54. MORNING CHRONICLE, 29 March 1855.
55. GLOBE (in Scrapbook Hansard, 27 March 1855).
56. MORNING CHRONICLE, 29 March 1855.
57. GLOBE (in Scrapbook Hansard, 27 March 1855).
58. MORNING CHRONICLE, 29 March 1855.
59. GLOBE (in Scrapbook Hansard, 27 March 1855).
60. MONTREAL GAZETTE, 30 March 1855.
61. GLOBE (in Scrapbook Hansard, 27 March 1855).
62. TORONTO DAILY LEADER, 3 April 1855. This newspaper and HAMILTON SPECTATOR, 4 April 1855 (a partially identical copy), report Mr. Brown's speech in brief compared with the first person reports in Scrapbook Hansard and the third person reports in MORNING CHRONICLE, 29 March 1855. Neither of these major accounts describe the Opposition as "solid" or "hollow", nor do they record Mr. J.A. Macdonald's subsequent query (footnote 63.) According to the TORONTO DAILY LEADER these comments occur when Mr. Brown discusses the "late administration". They have been edited into Scrapbook Hansard, although it is not certain when they were made.
63. TORONTO DAILY LEADER, 3 April 1855.
64. HAMILTON SPECTATOR, 4 April 1855.
65. TORONTO DAILY LEADER, 3 April 1855.

66. GLOBE (in Scrapbook Hansard, 27 March 1855).
67. MORNING CHRONICLE, 29 March 1855.
68. GLOBE (in Scrapbook Hansard, 27 March 1855).
69. MORNING CHRONICLE, 29 March 1855.
70. GLOBE (in Scrapbook Hansard, 27 March 1855).
71. TORONTO DAILY LEADER, 3 April 1855.
72. GLOBE (in Scrapbook Hansard, 27 March 1855).
73. MORNING CHRONICLE, 29 March 1855.
74. GLOBE (in Scrapbook Hansard, 27 March 1855).
75. MORNING CHRONICLE, 29 March 1855.
76. GLOBE (in Scrapbook Hansard, 27 March 1855).
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78. GLOBE (in Scrapbook Hansard, 27 March 1855).
79. MORNING CHRONICLE, 29 March 1855.
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81. MORNING CHRONICLE, 29 March 1855.
82. GLOBE (in Scrapbook Hansard, 27 March 1855).
83. MORNING CHRONICLE, 29 March 1855.
84. GLOBE (in Scrapbook Hansard, 27 March 1855).
85. MORNING CHRONICLE, 29 March 1855.
86. GLOBE (in Scrapbook Hansard, 27 March 1855).
87. IBID.
88. MORNING CHRONICLE, 29 March 1855.
89. GLOBE (in Scrapbook Hansard, 27 March 1855).
90. MORNING CHRONICLE, 29 March 1855.
91. GLOBE (in Scrapbook Hansard, 27 March 1855).
92. MONTREAL GAZETTE, 30 March 1855.
93. GLOBE (in Scrapbook Hansard, 27 March 1855).
94. MORNING CHRONICLE, 29 March 1855.
95. GLOBE (in Scrapbook Hansard, 27 March 1855).
96. MORNING CHRONICLE, 29 March 1855.
97. GLOBE (in Scrapbook Hansard, 27 March 1855).
98. MORNING CHRONICLE, 29 March 1855.
99. GLOBE (in Scrapbook Hansard, 27 March 1855). This newspaper comments:
"The honorable gentleman concluded his speech amid loud cheers from all
parts of the house."
100. GLOBE (in Scrapbook Hansard, 27 March 1855).
101. IBID.
102. IBID.
103. MORNING CHRONICLE, 30 March 1855.
104. TORONTO DAILY LEADER, 3 April 1855.
105. MORNING CHRONICLE, 30 March 1855.
106. TORONTO DAILY LEADER, 3 April 1855.
107. MORNING CHRONICLE, 30 March 1855.
108. TORONTO DAILY LEADER, 3 April 1855.
109. HAMILTON SPECTATOR, 4 April 1855.
110. TORONTO DAILY LEADER, 3 April 1855.
111. MORNING CHRONICLE, 30 March 1855.
112. GLOBE (in Scrapbook Hansard, 27 March 1855).
113. MORNING CHRONICLE, 30 March 1855.
114. GLOBE (in Scrapbook Hansard, 27 March 1855).
115. MORNING CHRONICLE, 30 March 1855.

116. GLOBE (in Scrapbook Hansard, 27 March 1855).
117. MORNING CHRONICLE, 30 March 1855.
118. GLOBE (in Scrapbook Hansard, 27 March 1855).
119. MORNING CHRONICLE, 30 March 1855.
120. IBID.
121. GLOBE (in Scrapbook Hansard, 27 March 1855).
122. MORNING CHRONICLE, 30 March 1855.
123. GLOBE (in Scrapbook Hansard, 27 March 1855).
124. MORNING CHRONICLE, 30 March 1855.
125. GLOBE (in Scrapbook Hansard, 27 March 1855).
126. IBID.
127. MORNING CHRONICLE, 30 March 1855.
128. GLOBE (in Scrapbook Hansard, 27 March 1855).
129. MORNING CHRONICLE, 30 March 1855.
130. GLOBE (in Scrapbook Hansard, 27 March 1855).
131. MORNING CHRONICLE, 30 March 1855.
132. GLOBE (in Scrapbook Hansard, 27 March 1855).
133. MORNING CHRONICLE, 30 March 1855.
134. GLOBE (in Scrapbook Hansard, 27 March 1855).
135. MORNING CHRONICLE, 30 March 1855.
136. GLOBE (in Scrapbook Hansard, 27 March 1855).
137. MORNING CHRONICLE, 30 March 1855.
138. GLOBE (in Scrapbook Hansard, 27 March 1855).
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144. GLOBE (in Scrapbook Hansard, 27 March 1855).
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146. GLOBE (in Scrapbook Hansard, 27 March 1855).
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148. GLOBE (in Scrapbook Hansard, 27 March 1855).
149. MORNING CHRONICLE, 30 March 1855.
150. GLOBE (in Scrapbook Hansard, 27 March 1855).
151. MORNING CHRONICLE, 30 March 1855.
152. GLOBE (in Scrapbook Hansard, 27 March 1855).
153. MORNING CHRONICLE, 30 March 1855.
154. GLOBE (in Scrapbook Hansard, 27 March 1855).
155. MORNING CHRONICLE, 30 March 1855.
156. GLOBE (in Scrapbook Hansard, 27 March 1855).
157. MORNING CHRONICLE, 30 March 1855.
158. GLOBE (in Scrapbook Hansard, 27 March 1855).
159. MORNING CHRONICLE, 30 March 1855.
160. GLOBE (in Scrapbook Hansard, 27 March 1855).
161. MORNING CHRONICLE, 30 March 1855.
162. IBID.
163. GLOBE (in Scrapbook Hansard, 27 March 1855).
164. IBID.
165. IBID.
166. IBID.
167. IBID.

168. IBID.
169. IBID.
170. MORNING CHRONICLE, 30 March 1855.
171. GLOBE (in Scrapbook Hansard, 27 March 1855).
172. MORNING CHRONICLE, 30 March 1855.
173. GLOBE (in Scrapbook Hansard, 27 March 1855).
174. MORNING CHRONICLE, 30 March 1855.
175. GLOBE (in Scrapbook Hansard, 27 March 1855).
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183. GLOBE (in Scrapbook Hansard, 27 March 1855).
184. MORNING CHRONICLE, 30 March 1855.
185. GLOBE (in Scrapbook Hansard, 27 March 1855).
186. MORNING CHRONICLE, 30 March 1855.
187. GLOBE (in Scrapbook Hansard, 27 March 1855).
188. IBID.
189. MORNING CHRONICLE, 30 March 1855.
190. GLOBE (in Scrapbook Hansard, 27 March 1855).
191. TORONTO DAILY LEADER, 3 April 1855.
192. GLOBE (in Scrapbook Hansard, 27 March 1855).
193. IBID.
194. IBID.
195. MORNING CHRONICLE, 30 March 1855.
196. GLOBE (in Scrapbook Hansard, 27 March 1855).
197. MORNING CHRONICLE, 30 March 1855.
198. GLOBE (in Scrapbook Hansard, 27 March 1855).
199. MORNING CHRONICLE, 30 March 1855.
200. GLOBE (in Scrapbook Hansard, 27 March 1855).
201. MORNING CHRONICLE, 30 March 1855.
202. IBID.
203. IBID.
204. TORONTO DAILY LEADER, 3 April 1855.
205. GLOBE (in Scrapbook Hansard, 27 March 1855).
206. IBID.
207. IBID.
208. MONTREAL GAZETTE, 2 April 1855.
209. GLOBE (in Scrapbook Hansard, 27 March 1855).
210. MORNING CHRONICLE, 30 March 1855.
211. GLOBE (in Scrapbook Hansard, 27 March 1855).
212. MORNING CHRONICLE, 30 March 1855.
213. GLOBE (in Scrapbook Hansard, 27 March 1855).
214. MORNING CHRONICLE, 30 March 1855.
215. GLOBE (in Scrapbook Hansard, 27 March 1855).
216. MORNING CHRONICLE, 30 March 1855.
217. GLOBE (in Scrapbook Hansard, 27 March 1855).
218. MORNING CHRONICLE, 30 March 1855.
219. HAMILTON SPECTATOR, 4 April 1855.

- 220. MORNING CHRONICLE, 30 March 1855.
- 221. HAMILTON SPECTATOR, 4 April 1855.
- 222. MORNING CHRONICLE, 30 March 1855.
- 223. HAMILTON SPECTATOR, 4 April 1855.
- 224. IBID.
- 225. MORNING CHRONICLE, 30 March 1855.
- 226. HAMILTON SPECTATOR, 4 April 1855.
- 227. MORNING CHRONICLE, 30 March 1855.
- 228. HAMILTON SPECTATOR, 4 April 1855.
- 229. MORNING CHRONICLE, 30 March 1855.
- 230. HAMILTON SPECTATOR, 4 April 1855.
- 231. MORNING CHRONICLE, 30 March 1855.
- 232. HAMILTON SPECTATOR, 4 April 1855.
- 233. IBID.
- 234. MORNING CHRONICLE, 30 March 1855.
- 235. HAMILTON SPECTATOR, 4 April 1855.
- 236. MORNING CHRONICLE, 30 March 1855.
- 237. HAMILTON SPECTATOR, 4 April 1855.
- 238. MORNING CHRONICLE, 30 March 1855.
- 239. MONTREAL GAZETTE, 2 April 1855.
- 240. MORNING CHRONICLE, 30 March 1855.
- 241. HAMILTON SPECTATOR, 4 April 1855.
- 242. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 243. MORNING CHRONICLE, 30 March 1855.
- 244. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 245. MORNING CHRONICLE, 30 March 1855.
- 246. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 247. MORNING CHRONICLE, 30 March 1855.
- 248. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 249. MONTREAL GAZETTE, 2 April 1855.
- 250. MORNING CHRONICLE, 30 March 1855.
- 251. MONTREAL GAZETTE, 2 April 1855.
- 252. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 253. MORNING CHRONICLE, 30 March 1855.
- 254. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 255. MORNING CHRONICLE, 30 March 1855.
- 256. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 257. IBID.
- 258. IBID.
- 259. IBID.
- 260. IBID.
- 261. MORNING CHRONICLE, 30 March 1855.
- 262. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 263. MORNING CHRONICLE, 30 March 1855.
- 264. GLOBE (in Scrapbook Hansard, 27 March 1855).
- 265. GLOBE (in Scrapbook Hansard, 27 March 1855) reports: "The House then adjourned shortly before midnight."
- 266. MORNING CHRONICLE, 28 March 1855.
- 267. LE PAYS, 3 April 1855.
- 268. IBID.

WEDNESDAY, 28 MARCH 1855.

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The following Petitions were severally brought up, and laid on the table:--

By Mr. Chisholm,--The Petition of G.W. Henry and others, of the Hamlet of Elgin, in the Township of Stamford.

By Mr. Dionne,--The Petition of the Reverend J.C. Cloutier, Curé, and others, of the Parish of St. George de Kakouna.

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By Mr. O'Farrell,--The Petition of the Reverend Siméon Belleau and others, of the Parish of Ste. Croix, in the County of Lotbinière.

By Mr. Jean Baptiste Eric Dorion,--The Petition of Patrick McCabe and others, of the County of Drummond.

By Mr. Foley,--The Petition of William Davidson, County Clerk of Waterloo, and others; the Petition of O. Klotz and others, Clerks of Division Courts for the County of Waterloo; and the Petition of David S. Shoemaker, Town Clerk of the Township of Waterloo, and others.

By Mr. Frazer,--The Petition of the Municipality of the Township of Wainfleet, in the County of Welland.

By Mr. Brown,--The Petition of James Osborne and others, of the City of Hamilton; the Petition of the Reverend Archibald Cross and others, of the County of Oxford; the Petition of John Martin and others, of the County of Halton; the Petition of the Reverend Andrew Melville and others, of the Township of Sherbrooke, County of Renfrew; the Petition of Philip Rymal and others, of the South Riding of the County of Wentworth; and the Petition of Thomas Houston and others, of the Township of Plympton North.

By Mr. Aikins,--The Petition of William Allan and others, of the County of Peel; the Petition of John Macartney and others, of the County of Peel; the Petition of Alexander McLaren and others, of the Township of Caledon, in the County of Peel; and the Petition of R.W. Copeland and others, of the County of Peel.

By Mr. Daly,--The Petition of the Municipality of the Village of Stratford.

By the Honorable Mr. Attorney General Macdonald,--The Petition of the Literary and Historical Society of Quebec; three Petitions of the University of Queen's College, Kingston; and the Petition of James Morton and others, of the City of Kingston, Brewers and Distillers.

By Mr. Mackenzie,--The Petition of Alexander Rose and others, of the County of Peterborough; the Petition of James Coutts and others, of the County of Ontario; and the Petition of George White and others, of the County of Ontario.

By Mr. Christie,--The Petition of the Municipality of the Township of Onondaga; and the Petition of the Municipality of the Village of Paris.

By the Honorable Mr. Cayley,--The Petition of John Longworth, of the Town of Goderich, Captain and Adjutant 2nd Huron Militia.

By the Honorable Sir Allan N. MacNab,--The Petition of the Reverend Kenneth M. Fenwick and others, of the City of Kingston.

By the Honorable Mr. Lemieux,--The Petition of the Quebec Benevolent Society.

By Mr. Alleyn,--The Petition of James Gibb and others, of the District of Quebec.

By Mr. Casault,--The Petition of William Fraser, Esquire, and others, of the Parish of St. Patrice de la Rivière du Loup; and the Petition of the Municipality of the Village of Fraserville.

Pursuant to the Order of the day, the following Petitions were read:--

Of Caleb Mallery and others, of the Township of Hamilton, in the County of Northumberland; praying for an Act to confirm the Patent for South half of Lots Nos. 4, in the broken Concessions A and B, of the Township of Hamilton.

Of the Municipality of the Township of Norwich; praying that the said Township may be divided into two separate Townships.

Of Siméon Larochelle and others, of the Parish of St. Anselme, County of Dorchester; praying that a Registry Office may be established in the said Parish.

Of G. Beaudet and others, of the County of Soulanges; praying for certain amendments to the Seigniorial Tenure Act.

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Of James S. Wetenhall and others, of the City of Hamilton; praying for an Act of Incorporation under the style of the General Drainage and Land Improvement Company of Upper Canada.

Of William P. McLaren and others; praying for an Act of Incorporation under the style of the Upper Canada Loan Company.

Of W.B. Whittier and others, of the County of Prince Edward; and of Daniel Macfie and others; praying that the discretionary power of commutation may not be exercised in carrying out the provision of the Clergy Reserves Act.

Of J.V. DeBoucherville and others, of the Township of Arthabaska; praying that a Registry Office may be established at the Parish of St. Christophe d'Arthabaska.

Of the Corporation of the Clercs de St. Viateur; representing that they have the direction of the College Joliette; and praying for an aid.

Of Richard W. Hix and others, Importers and Manufacturers of Gas Fittings, and Gas Fitters of the City of Toronto; praying that the Consumers Gas Company, Toronto, may not be authorized to vend, manufacture, or fit up interior Gas Fittings.

Of David Patterson and others, Trustees of the Toronto General Burying Ground, and of the Municipality of Yorkville, and others; praying for the passing of an Act to authorize the Trustees to sell or lease the said Burying Ground, and to apply the proceeds to the purchase of a site for a Public Cemetery.

Of C. Claude Grece and others, of Chatham, Lower Canada; complaining of certain grievances caused by the Montreal and Bytown Railway Company; and praying relief in the premises.

Ordered, That Mr. Poulin have leave to bring in a Bill to incorporate Les Soeurs de la Présentation.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. MACKENZIE propose une adresse à Son Excellence, pour obtenir un état des noms de toutes les personnes qui ont été jusqu'à ce jour nommées à des charges de profits en Canada, depuis douze mois à compter de ce jour (non compris les maîtres de poste dont les revenus sont de moins de 20L), indiquant la date de leurs nominations respectives, si la nomination est permanente ou temporaire, les salaires ou honoraires dans chaque cas, de manière à indiquer le revenu réel, en autant qu'il est connu du gouvernement; aussi le nom de chaque charge

et le statut ou autre autorité en vertu de laquelle tel officier ou titulaire a ainsi été nommé.¹

MR. PRES. EX. COUN. MACNAB ne voit pas quelles raisons peut avoir l'hon. membre pour demander cette adresse, qui coûtera beaucoup, et quel bien elle pourra faire au public; en conséquence il votera contre la motion.²

MR. MACKENZIE dit qu'il demande cette adresse en conformité à une résolution de la chambre insérée dans les journaux de la chambre en 1844. L'une des raisons qui lui font demander cette adresse, est que depuis quelque tems le gouvernement a pris l'habitude d'augmenter les salaires de certains officiers publics, et d'en nommer d'autres qui étaient inconnus auparavant,--et il veut savoir en vertu de quelle autorité ces augmentations de salaire et ces nominations ont été faites. Il sait aussi que dans certains bureaux de poste on fait des rapports très incorrects; ainsi lorsque M. Stainer était maître de poste à Montréal, il avait fait un rapport au bureau colonial en Angleterre, dans lequel il disait qu'il n'avait rien reçu en sus de ses 500L d'émolumens, tandis que lui (M. McK.) avait prouvé à lord Derby que dans le même tems M. Stainer recevait 3000L de la province. Si le gouvernement veut avoir un plus grand nombre de raisons en faveur de cette adresse, il peut faire un discours d'une heure, en énumérant toutes les raisons qu'il y a pour faire voter cette adresse.³

MR. AT. GEN. DRUMMOND dit que le discours de M. McKenzie coûterait plus cher que l'adresse elle-même, et que le plus court est de la voter de suite.⁴

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Mr. Mackenzie moved, seconded by Mr. Papin, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency would transmit to this House for its information, a Return of the names of all persons who have been appointed to any office of honor or emolument in Canada since this day twelvemonth, (exclusive of Post Masters whose incomes are under twenty pounds,) shewing the dates of their respective appointments, whether the appointment is temporary or permanent; the salary or fees in each case, and so as to exhibit the actual income, so far as it is known to the Government; also, the name of each office, and the Statute, Order in Council, or other authority under which each such officer or incumbent was appointed; the House divided: and the names being called for, they were taken down, as follow:--

(762-763)

YEAS.

Messieurs Aikins, Bellingham, Biggar, Brown, Bureau, Cartier, Cayley, Chabot, Chisholm, Christie, Church, Cook, Daly, Jean B. Daoust, Darche, Delong, Dionne, Jean B.E. Dorion, Attorney General Drummond, Dufresne, Foley, Fournier, Frazer, Gamble, Gould, Hartman, Jackson, Laberge, Lemieux, Lumsden, Lyon, Attorney General Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Marchildon, Matheson, Niles, O'Farrell, Papin, Robinson, Rôlph, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, Somerville, Spence, Stevenson, Terrill, Wilson, Wright, Yeilding, and Young.--(55.)

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NAYS.

Messieurs Blanchet, Brodeur, Burton, Chapais, Chauveau, Clarke, Desaulniers, Loranger, Macbeth, Masson, Meagher, Poulin, Powell, and Thibaudeau.--(14.)

So it was resolved in the Affirmative.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 22nd instant, praying His Excellency to cause to be laid before the House, a copy of the Report of David Thorburn, Esquire, Commissioner of Indian Lands, presented to Government on the 7th December last, upon the Grand River Navigation; and also, the Communication and Report on the same subject, of the 5th and 6th instant, for the information of the House.

For the said Return, see Appendix (L.L.L.)

Ordered, That the said Return be printed for the use of the Members of this House.

MR. PAPIN propose une adresse à son excellence pour une copie des comptes détaillés faits par l'officier-rapporteur pour le comté de l'Assomption pour l'élection de 1854, et ainsi des comptes faits par l'officier-rapporteur pour le comté de Leinster pour l'élection de 1851, avec copie de toutes les lettres et correspondances échangées entre le gouvernement et les dits officiers-rapporteurs, relativement aux dits comptes.⁵

MR. PRES. EX. COUN. MACNAB stated that the government could have no objection, but thought it was due to the House to hear the hon. gentleman's reasons in support of his motion.⁶ ((Il)) demande si l'hon. membre a quelques raisons d'intérêt public pour demander cette adresse?⁷

MR. PAPIN dit qu'il n'a aucun motif personnel pour demander cette adresse, mais qu'il la demande pour un motif qui sera compris et approuvé par la chambre et le gouvernement lorsqu'il l'aura expliqué. Il a reçu des lettres de son comté qui font voir que l'officier-rapporteur en chef pour ce comté s'est fait payer par le gouvernement des sommes beaucoup plus considérables que celles qu'il a payées à ses députés et que par conséquent il a reçu beaucoup plus qu'il ne devait recevoir. Il y a même des cas où il a reçu le double de ce qu'il a payé à ses députés. Il n'affirme rien, car il n'agit que par les informations qu'il a reçues, et il propose l'adresse afin que la chambre puisse s'assurer des faits et pour donner à l'officier-rapporteur l'occasion de se justifier de ces accusations, si elles ne sont pas fondées.⁸

MR. AT. GEN. DRUMMOND dit que ces raisons sont en effet suffisantes⁹.

MR. DUFRESNE, MR. COM. CR. LANDS CAUCHON and other honorable members took part in the discussion¹⁰.

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On motion of Mr. Papin, seconded by Mr. Jean Baptiste Eric Dorion,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Accounts in detail sent in by the Returning Officer for the County of L'Assomption, for the Election in 1854; and also, of the Accounts sent in by the

Returning Officer for the County of Leinster, for the Election in 1851; together with copies of all Letters and Correspondence which may have been exchanged between the Government and the said Returning Officers, with reference to the said Accounts.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of MR. CHABOT,¹¹

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Ordered, That the Petition of the Reverend W. Pollard and others, the Minister and Trustees of the Wesleyan Methodist Congregation of Quebec, be referred to the Committee of the whole House on the Bill from the Legislative Council, intituled, "An Act to prohibit Interments in certain Burial Grounds in the City of Quebec."

Ordered, That Mr. Holton have leave to bring in a Bill to amend and extend the provisions of the Act 16 Vic. cap. 191.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of the Honorable Mr. Young, seconded by Mr. Egan,

Resolved, That this House will, on Thursday the twelfth day of April next, resolve itself into a Committee to take into consideration certain Resolutions

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on the subject of a Canal to connect the St. Lawrence with Lake Champlain; and that it be then the first Order of the day.

MR. YOUNG moved for an address to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of contract and all correspondence between the Department of Public Works and T. Maxwell and Company, Contractors for the Tug service between Montreal and Kingston, including the correspondence which has resulted in cancelling the contract.¹² He said the whole amount given for this service in 1852 was 1,751L. The Commissioner at that time thought that the system should be done away with, and that the best protection for commerce was perfect freedom. But that Commissioner resigned and a new contract was given out under which 4,500L was given for what previously had cost only 1,750L¹³, representing a capital of 70,000L. The complaints so far from being less than before were greater, on account of the inefficient manner in which the service was performed. That contract he had learned was cancelled, and he wished to know the reasons which had induced the government to agree to the cancelling of the contract. If contracts could be broken at convenience it was useless to make them.¹⁴

MR. HOLTON had been informed that the parties to the new contract were unable to carry it on, but that a person, very wealthy and very prominent, at Kingston was security for them. Now, he wanted to know why that gentleman was to be thus relieved, by cancelling the contract--this method seemed to be increasing in frequency of application.¹⁵ The surety system was either good or

bad, and those who entered into obligations should be bound to fulfil them. Contracts should not be entered into simply with the view of defeating competition.¹⁶

MR. COM. PUB. WORKS LEMIEUX would not discuss the question till the papers came down; but they would be found thoroughly to justify the action of the Government.¹⁷

MR. HINCKS said, that the decision with regard to the abolition of the Bounty system took place when the hon. member for Montreal was Commissioner of Public Works, and it was only fair to state, that it was entirely in accordance with the feelings of this House and of the country, that a mere monopoly should not be given to any person or company of persons. It might not be objectionable to say now, that certain parties were out of the business, and whose recollections in connection with that matter might be particularly bright enough to say, that when the contract was given to Captain Maxwell, the demands of other parties were too much. Captain Maxwell had suffered heavy losses, and some plan of getting rid of greatly unprofitable contracts ought to prevail.¹⁸

MR. CHABOT ((spoke))¹⁹.

MR. AT. GEN. J.A. MACDONALD.--The member for Montreal alluded to Kingston influence in the course of his remarks. If his remarks meant anything, they meant a charge, that either he or his honorable colleague, the Solicitor General West, were in favor of the Kingston people. Perhaps he will explain.²⁰

MR. HOLTON.--When he came to Quebec he found several Kingston people there, interesting themselves to get the Tug Service Contract. He now found that it had been cancelled and he wanted to know the reasons, therefor; he had asked for information, which the hon. gentleman had declined to give.²¹

MR. AT. GEN. J.A. MACDONALD repeated his question concerning remarks about Kingston influence, to which he had got no answer.²²

MR. HOLTON did not intend to impute anything very extraordinary to the members for Kingston and County of Frontenac. He only spoke jocularly.²³

MR. AT. GEN. J.A. MACDONALD.--That is quite satisfactory.²⁴

(764)

On motion of the Honorable Mr. Young, seconded by the Honorable John Sandfield Macdonald,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, copies of Contract and all Correspondence between the Department of Public Works, and T. Maxwell and Company, Contractors for the Tug Service between Montreal and Kingston, including the Correspondence which has resulted in cancelling the Contract between the Public Works Department and T. Maxwell and Company.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Pouliot have leave to bring in a Bill to make the Electoral County of Dorchester a County for Registration purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Lyon have leave to bring in a Bill to amend the several Municipal Corporation Acts of Upper Canada, by providing authority for the assessment of property in cases where Assessors have omitted or may omit to perform their duties.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Alleyn moved, seconded by Mr. Pouliot, and the Question being put, That the Petition of John Young and others, of the City of Quebec, representing that their properties were destroyed by the falling of the Rock in Champlain Street, Lower Town, Quebec, whereby they have been left destitute, and praying for aid in the premises, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records:--It passed in the Negative.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the College de Monnoir," without any Amendment: And also,

The Legislative Council have passed the Bill, intituled, "An Act providing for the payment of Dividends by Insurance Companies," to which they desire the concurrence of this House.

And then he withdrew.

MR. LORANGER introduced a bill to modify the law relating to civil erection of parishes in Lower Canada.²⁵

MR. FERRES and several honorable gentlemen took part in the discussion of this measure.²⁶

(764)

Ordered, That Mr. Loranger have leave to bring in a Bill to modify the Laws relating to the Civil Erection of Parishes in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.²⁷

Sur motion de MR. J. DORION,²⁸

(764)

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Sorel,

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Drummondville, and Richmond Railway Company;" and the same were read, as follow:--

Page 1, line 42. Leave out from "contained" to "The" in page 2, line 1.

Page 7, line 6. After "Companies" insert "Provided always that no agreement for any such Union shall have any force or effect unless and until the same shall have been sanctioned by the votes of a majority of the private Shareholders of the said Company present in person or by proxy at a Special General Meeting of the said Company duly called for that express purpose in such manner and with such notice as shall be required by the By-Laws of the said Company."

And the first of the said Amendments, being read a second time, was agreed to.

Ordered, That the second of the said Amendments be taken into further consideration To-morrow.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Twenty-fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of Mrs. F.X. Roy and others, for incorporation of the Sisters of the Asylum of the Good Shepherd of Quebec, and find that it is not of a nature to require the publication of Notice.

The Petition of Mrs. Clara P. Powell, of the City of Hamilton, prays for the repeal of an Act passed in the present Session to authorize the sale of certain Lands in the Township of Guelph, and the investment of the proceeds in trust for the benefit of Mrs. Powell and her children. A paper has been laid before Your Committee signed by the Trustees appointed under that Act, and stating their renunciation of the Trust; and Mrs. Powell prays in her Petition that the fee simple of the Land in question may be vested in her, with full power to sell and dispose of the same. Under these circumstances, Your Committee are of opinion that Notice is not required.

Ordered, That Mr. Clarke have leave to bring in a Bill to amend the Act of the present Session, intituled, "An Act to authorize the sale of certain Lands, described as Lots numbers five and six in Division A, of the Township of Guelph, and the reinvestment of the proceeds for the objects of the Trust," by substituting another Trustee in lieu of the Trustees nominated by the said Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

The House, according to Order, resumed the further consideration of the charges preferred against John McLaren, Deputy Returning Officer for the Parish of St. Fidèle, at the late General Election for the County of Saguenay.

And the House being informed that John McLaren attended at the door, he was called in.

MR. AT. GEN. DRUMMOND felt called upon to remind the House of the circumstance which led to the bringing up of Mr. McLaren. Referring to the minutes taken before the Committee on the Saguenay Election, he found that Mr. McLaren, with five other Deputy Returning Officers, had dealt fraudulently with the poll-book. Under these circumstances, it was natural to presume that the gentleman at the bar had been a party to such falsification. When brought up to answer to this House for the charge, he had laid a petition before us setting forth that he had entered about 230 names in the poll-book; that he then being called away to Chicoutimi, had left the poll-book in the hands of his poll Clerk,

Mr. McLeod; that he had not again seen it, and therefore was not responsible for the collision (sic) that had taken place. This statement, if substantiated, was quite sufficient to release, and to exonerate him from all blame. It was true that it might be said that Mr. McLaren should have handed the poll-book himself to the proper officer. This, at best, was a mere question of prudence and imprudence. The law nowhere required the Deputy Returning Officer to hand the poll-book himself to his superior officer. Mr. McLaren had proved the correctness of his statements by the evidence he had adduced. From that evidence it appeared that Mr. McLaren had remained the two days of polling; that he had proclaimed the number of votes, and that hearing of the serious illness of his wife, he had left the book in the hands of his Clerk with instructions to hand it to the Returning Officer. He had been absent from that time until after the proclamation had taken place, and therefore could not have been privy to the fraudulent alteration of the poll-books. This had been clearly proven by the testimony of Mr. Jones, a gentleman of intelligence, who had been adduced as a witness. The next witness was a magistrate who had been present at the poll, and represented the opposing candidate, Mr. Taylor, to whom Mr. McLaren was by sympathy opposed. He states that Mr. McLaren had acted most impartially, and had at the close of the poll declared the votes to be 239.²⁹ Mr. Gagnon,³⁰ the next witness, had driven Mr. McLaren and his Clerk, Mr. McLeod, from St. Fidele to Malbaie, and had seen Mr. McLaren give the poll-book to his Clerk. The book at that time did not contain the additional names. It seemed quite clear from the evidence adduced that the Deputy Returning Officer now at the bar was quite innocent of the charges laid to him. McLeod appears to have felt a consciousness of guilt, for he has mysteriously disappeared from the country, and has not since been heard from. He moved, that Mr. McLaren having cleared himself of the charges brought against him, be discharged.³¹

MR. BROWN expressed his perfect concurrence in the views of the Attorney General East, ... and expressed the hope that Mr. McLeod might be apprehended and brought before the House.³²

MR. J.S. MACDONALD and MR. CHABOT declared their hearty concurrence in the propriety of this course³³.

MR. CAMERON entirely concurred in what had been said. Mr. McLaren had acted the part of an honest man. Rather than remain under the imputation of having acted fraudulently, he had gone to great expense in producing witnesses to clear his character. Conscious of the integrity of his intentions and conduct, he had at great personal inconvenience and expense produced at the bar of this House gentlemen who have perfectly proved his innocence of fraudulent intention. He thought it the duty of the House to reimburse Mr. McLaren for the expense of his trial, and he suggested to the Attorney General the addition to his resolution declaring that Mr. McLaren be paid the costs of this trial.³⁴

MR. WILSON.--Had been anxious for the punishment of those Returning Officers convicted of breach of privilege; he would feel sorry that the innocent should be punished. He would cheerfully second the motion of the member for Toronto, that the gentleman at the bar should be paid the expences which he had been put to in the prima facie case against him.³⁵ All the cases of a similar nature were, he believed, disposed of, and having heard that the gaoler of this city had been discharged, he would say ...³⁶

MR. SOL. GEN. H. SMITH.--"Order; the honorable gentleman is out of order."--
"Order, order."³⁷

Voices.--"Spoke, spoke."³⁸

MR. AT. GEN. DRUMMOND.--The Government have the case of the Gaoler under consideration. The gaoler is not the officer of the Executive.³⁹

(765)

On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Mr. Attorney General Macdonald,

Resolved, That inasmuch as John McLaren, Esquire, now at the Bar of this House, has adduced evidence sufficient to destroy all presumption of his having been privy to the falsification of the Poll-book of St. Fidèle during the Election at which he acted as Deputy Returning Officer, he the said John McLaren be now discharged.

Mr. McLaren was then directed to withdraw.

On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Mr. Lemieux,

Resolved, That the expenses incurred by Mr. McLaren in appearing at the Bar of this House, and in adducing witnesses to remove the presumptions raised

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against him in relation to his conduct as Deputy Returning Officer at the said Election, be defrayed out of the Contingencies of this House; and that Mr. Speaker be requested to tax such expenses.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was yesterday proposed, That the Bill to amend the Imperial Act re-uniting the Provinces of Upper and Lower Canada, be now read a second time;

And the Question being again proposed:--The House resumed the said adjourned Debate.

MR. WILSON said--The country had hoped--and I, sir, had hoped--that we had the British constitution; but, last night, it was boldly announced by the Attorney-General West, that we had it not in fact, but in name only. Sir, I deeply regretted the announcement, because, at least from hon. members who taunt this side of the House with democratic tendencies, we expected other and more statesmanlike views (Hear, hear.) From the Government which introduced this measure, we were led to expect a clear statement of the causes which induced the change, and the anticipated good which was to result from it. But instead of this, we have had sneers only, at the inefficiency of the existing Council; and we have been told that if the future Council shall dare to oppose the will of this branch of the Legislature, the people will rise in their might, and "make the other branch at once cringe to them." Pray what does the hon. Attorney-General mean, when with one breath he tells us that the present Council makes itself contemptible by its subserviency, and with the other, that if the new Council be less so, they shall be made to cringe to this Assembly? Was it becoming the grave discussion of a most important change in the constitution, to tell us that the other House might have corrected an error in spelling, or in grammar, but had exercised no check or control to command confidence? (Hear, hear.)⁴⁰ It was not candid so to speak of the Upper House.⁴¹

MR. AT. GEN. J.A. MACDONALD.--"Why not?"⁴²

((MR. WILSON continued:)) Why not? Because you complained of its being an obstructive House, and was, as a gentleman afterwards, the Knight of Dundurn, facetiously told us, when he lost a bill in it, controlled by one man. That gentleman told us that the Chief Justice explained to such members of the House as were favorable to it and they bowed assent, then explained to such as were slightly opposed to it, and they bowed assent, and then explained to such as wholly disapproved of it and they, too, bowed assent. It was farther contended on that occasion, that the Legislative Council was governed by one man whose object was obstruction. Since then a union of the Provinces of Upper and Lower Canada had taken place, and the complaint was that the Legislative Council was not sufficiently obstructive, but was only fit to alter spelling or correct grammar.⁴³ Has it been so soon forgotten, that during this very session, that honorable body, instead of correcting the spelling of the Seignorial Bill, altered it in its principle and detail--made it a totally new and better bill--sent it back to this House--and that the same gentlemen who now speak so disrespectfully of it, cringingly accepted the bill, and, with the same indecent haste which is charged upon the Upper House, passed that very bill?⁴⁴ He did not think it desirable that it should be always obstructive, but the⁴⁵ single reason which the Attorney-General assigned for the change he seeks, was, that the country had determined to have more than one chamber; that the present system being, in fact, but one, it was necessary to change it; and yet, in endeavouring to meet the difficulties which had been so ably put by the hon. members for Lambton and Toronto, he was driven to declare, as I have just stated, "that if the Upper House should dare to oppose the will of the people, they should be made at once to cringe to it"⁴⁶, dissolve the House, go to the country, and if the Upper House again objected, raise the people in their might and cause them to cringe. (Cries of "No! No!") That was precisely the argument of the honorable gentleman.⁴⁷

MR. AT. GEN. J.A. MACDONALD.--"As you understood it."⁴⁸

((MR. WILSON continued:)) And what does he propose to remedy the evil?--that the members of the Upper House should be elected by the people!⁴⁹ It has been conclusively shown, by the hon. members for Lambton and Toronto, that you cannot have another absolutely independent House, and have responsible government and the English constitution. The reason is apparent. You cannot hold an administration responsible for what is absolutely beyond its control. This bill leaves the present members of the Council there for life; but the Government has well assured us that, as a body, it commands no weight in the country. Then why is it left? If it does not command respect, it must be a dead clog to your new system, and stamp it with the same impress of nothingness. This, however, is answered by telling us that the new members must be taught the forms. Sir, I affirm that the very forms which the Government would teach have tended much to the ridicule attached to that House. The age is opposed to unmeaning forms, and will have something to satisfy the mind, as well as gratify the imagination. It is said that all appointments are the prerogatives of the Crown. Truly so, but under our system these prerogatives are, in fact, wielded by the advisers of the Crown possessing the confidence of this House, and it would be more correct to say that the ministry of the day have all the appointments of the day. The real difference, therefore, between our system and that of the States of the Union is, that their appointments are made by the direct vote of the people, ours are made by those gentlemen called ministers of the Crown, who sold their position by being themselves elected after they have taken office, and by adding to this

the support of the whole body elected by the people. Democratic States elect their officers directly, we elect them indirectly. The one is the American, the other the English system. We glory in the one, they in the other. We adopted the English mode of legislation, with its three branches; and our courts, like theirs, never question the authority of Parliament to pass any kind of laws. Her great statesmen for many generations have magnanimously managed her legislation and her affairs without new checks or control. Her standards of action have always been high-toned, yielding, but conservative. On the other hand, almost all the States of America have been obliged to control their legislation by written constitutions, and, as a necessary consequence, to subject all their acts to the control and judgment of courts of law. In England the power of the Legislature has been controlled by public opinion, and by the wisdom of her great statesmen. In the States of the Union, the powers of their Legislatures have in most cases been defined by written constitutions, and are kept within the prescribed limits of their constitutional powers by the conservative powers of the courts of judicature. By their system every act of their Legislature may be questioned in their courts, as the by-laws of municipalities are questioned in ours. An Englishman respects an Act of Parliament, because he never questions its authority. An American obeys a law not because he does not question the authority which made it, but because it has been made in accordance with the written constitution of his State to which he assented. Are we prepared to change the one for the other? Does the country ask for the change, with full knowledge of its consequences? Can we, not looking at localities, but at the whole people, say that we are prepared for elective institutions, and a radical change in the administration of the Government? To gentlemen who prefer the American system, this measure will be hailed as a boon; but let me ask them if that system is perfect? To others, who like myself prefer the English system, it will be looked upon with grave apprehension, because what you once concede you never can recall. You cannot have both--can you say which you will have? We can have the British system by adhering to British principles and practice, modified to suit ourselves. We can have the American system only by having a written constitution, by investing our courts with the power of control, and by curtailing our present omnipotence by the limits prescribed it in the constitution as interpreted by a court of law. I fearlessly assert, Mr. Speaker, that if it be conceded that the Government ought not to have, and is not fit to elect or appoint, as they call it, the Legislative Council, it ought not to have the power to appoint the officers of justice, of customs, of militia; it ought not to have the power to appoint judges! And I further assert that if this measure be adopted, the Government must be prepared, at no distant day, to concede the elective principle to all the offices I have enumerated, and yet one step beyond, to an elective Governor. (Hear, hear.) And when all these have been granted, you will require a convention of the people to frame a constitution to control your Legislature.⁵⁰ The whole system must be made elective and no trace of the British constitution be left. We must go down step by step, until the country at last said, "We must have everything elective."⁵¹ And what will you have gained by the change? One system of government for another, each claiming to be the better, and neither perfect; because no human institution, worked out by erring men, ever can be perfect. (Hear, hear.) Yes, honourable gentlemen, who formerly vaunted of their conservatism, may well cease to taunt certain members on this side of the House with annexation schemes, when they themselves, by this measure and what must follow, bring about the very thing they affect to deprecate.⁵² Difficulties arose now because there were not checks enough on the

Executive, and yet it was proposed to divide their present slender responsibility with another House instead of holding it themselves.⁵³ I am not prepared to vote for this bill, because I am not prepared, and the country is not yet prepared to carry out the system. But I am prepared to carry out Responsible Government, with all its duties and all its responsibilities. I am not prepared to shake off one of its great duties.⁵⁴ He knew that great complaints had been made, that on a certain occasion, public opinion had been swamped in the Upper House--a new element introduced, and its respectability thereby finished. But its usefulness or its respectability was no more destroyed than was the respectability or independence of the House of Lords in 1832, when new members were introduced for the purpose of carrying the Reform Bill. The House of Lords recovered its respectability, and our House had recovered its respectability, and never was more respected than it was at the present moment. If anything tended to make the present House contemptible, it was those absurd forms which "present" members were kept to maintain. It had been said, that in many instances measures had been passed in indecent haste; but even if they had, it was no proof that they had not been properly considered, as, the bills having been long printed and under discussion in the House, the objects sought to be obtained by them could not have escaped their notice; and they were, therefore, as capable of voting aye or no as any member of this House. It was not fair to insinuate that they passed measures without due consideration, or that they had not the sympathies of the country, especially when the utmost indignation was manifested when a bill was sent back by the Council to this House for revisal. Now, this House does not wish to wound the feelings of "present members" by turning them out, but it is represented to them that they do not represent the feelings of the country. To revert again to the statement made by the Attorney General, that our Constitution was not similar to the Constitution of England. The Attorney General did not show where the dissimilarity existed; but he would. We, (the Commons of Canada,) had not the power of impeachment. The gallant knight smiles. He may have no dread of impeachment, but he does not know who will succeed him.⁵⁵

A Voice "ah! don't be sarcastic."⁵⁶

((MR. WILSON continued:)) He would leave sarcasm to the Hon. Attorney General. It would well become him to have told us that he would assimilate the Constitution of this country to the Constitution of a country like England. In England the Treasury Benches were responsible for the appointments to the House of Lords. It was not so here. Yet he wanted to know if they would not prefer to make such elections and did not consider themselves more capable of the power of election than the people. He said they were far more capable, and if they conceded that they were not capable of making ordinary appointments to office--we must have another Constitution. Courts of Justice must check hasty legislation. We must either have all the checks given by the English Constitution or adopt those of the United States. Any mistake that had been committed in appointments to the Council was in not sending to it men under middle age, of the standing education, and intellect of the honorable member for Toronto.⁵⁷ I like the British system because it best suits us; and I revere England, and this Province reveres British institutions. I do believe we shall be more prosperous and more happy under them than under a democracy. And if we are to have the British constitution, in God's name let us have it; but if we are to have a democracy tell us so, and let us prepare for it. Define the rights of the people, define the powers of the Legislature, write a constitution, submit it to

the people, but do not under the guise of reform give us change merely; do not throw off the responsibility which belongs to you. Do not, by your measures, hurry up the accomplishment of that you pretend to deprecate; and do cease to taunt those who act more openly than you do, in declaring that this measure meets their approbation, because it leads to what you pretend to deny. (Hear, hear.)⁵⁸

MR. DUFRESNE thought the question was, was the Upper House necessary at all? He thought it was as a check upon the Lower House. He thought it was necessary to assimilate our Constitution to that of Great Britain. Looking at the history of the last century--seeing the revelations that had taken place in Europe, England alone remaining unscathed, he could not but admire that Constitution. The element from which the Upper House was composed in England did not exist here. It was necessary, therefore, to provide that element, which he thought would best be secured by the bill before the House--which provided for a longer term, an older age and a larger qualification. He would like to know if the qualification for electors for members of the Council had been made higher than that of electors for the Assembly. He thought 8 years was not too long a period for members of the Legislative Council. Such a term would render the House more independent. He would rather increase the qualification for members of the Council. He was opposed to the power of dissolution being placed in the hands of the Executive. He thought the Ministry had acted wisely in dropping that power. With it, the Upper House could not be independent and must be useless. He thought present members should be guarded. It was impossible that the bill could be passed at all without the assistance of the Upper Chamber. He thought an advantage would be gained by having in the Upper House a respectable infusion of members responsible neither to the people nor the Crown. He wished we had the elements in this country of which the House of Lords was composed, but not having them he would gladly vote for the bill before the House.⁵⁹

MR. CHABOT dit que cette question a déjà été longuement discutée à plusieurs reprises en chambre, et qu'après le vote sur l'adresse, il ne doit y avoir que peu de discussion. Il comprend bien les objections que peuvent avoir les membres conservateurs contre ce bill, mais il ne comprend pas l'opposition de membres réformistes, comme les hon. membres pour Lambton et pour London (MM. Brown et Wilson). C'est en vain qu'on dira que ce serait enfreindre la constitution anglaise, car sous ce prétexte on peut s'opposer à toutes les réformes possibles, et il ne pense pas qu'on attaque la constitution anglaise en proposant de rendre le conseil législatif électif.--Les membres du conseil législatif actuel sont certainement très respectables, et ce n'est pas pour s'en défaire que le gouvernement propose le changement,--mais on ne législate pas pour le présent, puisque les membres actuels sont conservés; on législate pour l'avenir, c'est parce qu'on ne sait pas quels seront les successeurs des membres actuels qu'on propose de les soumettre à l'élection.

Les membres qui s'opposent au bill prétendent que le peuple n'en veut pas, mais il (M. C.) ne peut admettre cet argument, car le changement est demandé depuis longtemps par le peuple de toute la province; d'ailleurs, si le peuple était opposé au principe de ce bill, il y a assez longtemps qu'il est devant le public, tant sous la forme que lui avait donnée M. Morin que sous sa forme actuelle, que si le peuple y était opposé, il y aurait eu des pétitions demandant qu'il ne devint pas loi; mais il n'y a pas une seule pétition de cette sorte--ce qui prouve que le peuple est bien en faveur du principe du bill. Il peut même ajouter que, dans les circonstances actuelles, pas un seul membre ne

pourrait se faire élire dans le Bas-Canada, s'il se présentait devant les électeurs comme étant opposé au bill. On peut différer d'opinion sur les détails du bill, mais le principe est admis par tout le monde, et les détails pourront être discutés et amendés en comité général. Il n'en dira pas davantage, parce qu'il pense que la discussion sur cette question est maintenant inutile, car toutes les opinions sont formées sur la mesure, et pour lui tous les beaux discours qu'on pourra faire ne le feront pas changer d'opinion.⁶⁰

MR. ROBINSON said--not being at all well and able to sit late in the House he might perhaps not be in his place when the vote on the bill was taken. He therefore merely wished to say distinctly that having voted against the bill introduced last session by Mr. Morin, he had heard or seen nothing since to induce him to change his mind--and that if present he certainly should vote against the bill now before the House.⁶¹ He regretted that the Attorney General West should have spoken of the present Legislative Council in the way he had, in stating that they did nothing more than correct the bad spelling and bad grammar of the Bills sent up from this House. He (Mr. R.) believed that they attended to their duties as conscientiously as did this House, and he was willing to give them credit for that independence of judgment and of conduct, which the members of this House claimed for themselves.⁶² He (Mr. R.) regretted exceedingly that the Government should have felt it necessary to introduce this bill. Public opinion had so strongly condemned the act of the Government in 1849 for appointing some 10 or 12 members for the alleged purpose of carrying a particular measure--(Mr. R.) did not fear it would again be attempted. He thought the decline of the popularity of the late Government commenced with that Act. A much simpler remedy for the evil complained of would in his (Mr. R's.) opinion be, to limit the number of the members of the House as at present constituted to say 48 or 50, and no Government could then add any great number at one time.⁶³ He admitted that we had not now the British Constitution, but had serious doubts whether the alteration would give it. He thought, if the alteration did take place, it would lead to others still more dangerous and deplorable. He thought his hon. friends the members for Lambton and Toronto, had not overdrawn the picture.⁶⁴

MR. FERRES had been partly induced to speak by the remarks made about the Legislative Council which existed previous to the Union. It had been asserted that the body had been obstructive and entirely lacked public confidence. He dissented from those who held that opinion. The Council in Lower Canada at least was in those times made up of men of standing, of intelligence,⁶⁵ education, ... undoubted independence⁶⁶, and integrity, taken from among the foremost men of the two races which inhabited the Province. But the democratic element was then roused against them; and every means were taken to bring them into disrepute and destroy them.⁶⁷ In his judgment, it could be again rendered conservative by the introduction of the elective principle.⁶⁸ He was surprised to hear the hon. member for Haldimand say that, that Council had shut up the schools of the Province. No school bill, properly so called, had been sent up to them: but several measures good and bad were tacked to a money bill, and to get rid of the evil, the Council was obliged in self defence to reject the good also. The Union came, and with it a change of the system of appointment, which had resulted most unfavorably for that House. His convictions in favor of an Elective Council had been forced upon him. It was not the bent of his mind to go in that direction, but when he saw that House degraded, as it was in 1849, he had been convinced a change was necessary. He could have wished the question

had never been mooted here; but still more strongly that no cause had been given for the agitation. Had the appointments remained in the hands of the Governor General irrespective of his Canadian advisers, but under responsibility to the Imperial Government, the Legislative Council might have continued to be an independent body and possessed of public confidence. But under responsible government, the appointments were placed at the disposal of party administrations, and used for partizan purposes. Thus it had now come to be a settled conviction, that if the selection of these people were to be made a matter of party it would be more safely entrusted to the hands of the people themselves. The hon. and learned member for Toronto had said the appointments of 1849 had only a temporary effect upon the character of the House. He forgot they were named for life, and some of the very ministers--the leaders of the very party that then degraded that House, so lost confidence in it that they were the first to bring in a bill to make it elective. He did not desire to say any thing disrespectful of that House; there were members in it whom he personally much respected but he had taken occasion to examine their journals, and he found that on the last day of the last session, they had acted on 34 bills giving 8 of them including two money bills, three readings at that one setting (sic). Two bills⁶⁹ ((OR)) no less than four bills⁷⁰ were passed, while the guard was in waiting at the door for the reception of Gov. General to prorogue the House. On the day previous they acted on 42 bills, 20 of which they read three times.⁷¹ All of these bills were of the most important character, one of them was for an amendment of the Lower Canada School Act, others had reference to alterations in the judiciary. And yet they had been passed in a single forenoon. He regarded the feat as a physical impossibility.⁷² A reform of that House should no longer be looked on as a democratic change but a matter of necessary self-defence, after it had been guilty of such flagrant dereliction of duty, and so abdicated their legislative and deliberative functions.⁷³ If there was any argument in favor of the Chamber as it is, he would be glad to hear what kind of legislation was to be expected from a body which could receive and read sixteen or twenty bills of the most important character in three or four hours. It takes away from this movement everything like a democratic tendency. It was a question of self-defence (sic). He thought it almost criminal to allow a body to remain in existence which could be guilty of such a dereliction of duty.⁷⁴ Two principal objections had been hinted against the measure, the one that by altering our institutions in a democratic direction we endangered the connection with Britain, the second that the change must destroy responsible government. He thought neither of them well founded. The improvement of our institutions would not make the people less loyal to the power that permitted such an act of self-government.⁷⁵ When he found changes to be necessary he felt it his duty to adopt such as were most likely to maintain the connection with the mother country. He fully believed in the correctness of the statement that the country could best be maintained to Great Britain, by making the people satisfied with their institutions. If the people were dissatisfied with the present Upper House, as he believed they were, the connection could most surely be maintained by altering the constitution of that body. The internal objection was the fear that the elective Upper House was incompatible with Responsible Government. As we had Responsible Government he was willing to keep it, though no great admirer of the system. But he wished to have an Upper House which would be a check upon the government as well as upon the people. He thought if the Bill was properly arranged in its details, and large districts provided, it would prove a great boon to the country, and instead of being an obstruction it would be an assistance to the Legislature, a supporter of the interests of the people. He was an

admirer of the British Constitution. He entirely concurred with Mr. Dufresne in his opinion of the glory and stability of that Constitution, and he was glad to hear such opinions come from a Lower Canadian. It was impossible, however, that we could have that Constitution in its integrity.⁷⁶ We could not have a House of Lords, though an imitation had been attempted, because we had none of those ... ((historic)) memories connected with great families without which the British House of Lords could not exist. They must seek for the reality of the revising or checking power in an elective chamber. As for Government, by a single House, he dismissed it as an absurdity. The government of the country could not go on five years under such a system. Vermont, with a sparse, intelligent, and orderly population, where all were more nearly upon an equality than almost anywhere else, had tried the experiment of a single chamber, but was glad like all other States to go back to two chambers. He hoped ministers were not so wedded to their bill as to be unwilling to see the details amended. They should remember they were legislating for all time to come and endeavor to make the measure perfect. He preferred the six years term proposed by the former bill to the eight proposed by this, with a third of the members to go out every two years. But a more important feature that might be improved was this, by the bill each section of the Province was divided into 24 electoral divisions. He did not see the object of this, but thought as only six members were to go out for each section at one time, if they would divide each section into six arrondissements, they would have almost a Province for each constituency--certainly territories larger than many German principalities. For each of these constitencies one man would be elected each two years, and thus while only men of high standing could hope to get elected--only men of Provincial mark indeed--and the opinion thus elicited would be more free from local feelings and local prejudices, there would also be secured an expression of opinion from the whole Province at each election, not from a few isolated localities. He hoped the Government would give to this matter their consideration. He should feel it his duty to urge it as an amendment in committee of the whole.⁷⁷

MR. POST. GEN. SPENCE was surprised at the observations of the hon. gentleman who had just sat down. On the last evening he heard the hon. member for Toronto, and the hon. member for Lambton, although with different opinions, come to the same result.⁷⁸ After briefly recapitulating the provisions of the bill, ((Mr. Spence)) proceeded to say, when they reflected that within a very few years 24 new members had been added to the House by the crown, it became a question of importance whether this infusion of new blood should not be made hereafter by the people, instead of by the crown, with the advice of its ministers. He believed it was better to give that power directly to the people--to create an independent, revising chamber, to check and revise their oft times hasty legislation, while it would still possess, as now, the right to initiate measures also. The change would not in any manner hazard the constitution with the mother country. That would rather be perpetuated by this or any measure tending to perfect the constitution, and give increased public confidence to the various legislative bodies. Nor did he believe it would lead to the goal of republicanism, which some had appeared to dread. Even if it did, however, lead farther than he now anticipated, it would still be their duty to pass such a measure as would give them a second House, possessed of the confidence of the people. As to the complaint raised that the power of dissolution had been taken away, he thought this necessary. He believed ministers should not have the power of playing, by threats of dissolution, one House off against the other.

Constituted as the Houses would be, after the reform, the Lower would represent the minute, local interests of the several sections of the province; the Upper the broad, general views of the people, gathered from large constituencies. The reform of the Council would add strength to it and strength to the constitution, and therefore to the connection with Britain.⁷⁹ It would be a means of strengthening the people instead of weakening them. It was a measure admitted on all sides of the House to be necessary, it could not be delayed longer, and ((he)) believed the decision of the House would be in its favor.⁸⁰

MR. MARCHILDON ... spoke in favour of the principle of the Bill, but objected to some of its details.⁸¹ ((Il)) aimerait mieux l'abolition du conseil, parce qu'il le considère comme inutile, mais cependant il votera en faveur du bill parce que c'est un progrès sur le système actuel.⁸²

MR. FERRIE would vote for the second reading of the bill, because he believed the second branch of the Legislature had not the confidence of the country and because he did not believe with the member for Lambton, that there was any danger in giving the power of election to the people. No doubt there might be difficulties about working the new system, such as the honorable member for Lambton had described; but any one with the acuteness of that gentleman might, he had no doubt find out similar cases of incongruity between different parts either of the American or British constitution. He was not in favour of one chamber, for notwithstanding what had been said about the speed of legislation in the other House, that House sometimes passed bills quite as quickly, and certainly required some second body to review it. Even for that purpose the Assembly itself were divided into two bodies. The ministry were wrong, in his opinion, in appointing new members of the House when they intended to change the constitution nor did he like to hear certain members of the government say that they b((r))ought forward such a measure without approving it themselves. He should of course vote for the second reading; but had many objections to the details--1st, the eight years were too long for the Upper House to last, he would have preferred six or less.⁸³ ((He)) considered four years preferable to either⁸⁴, reducing the term for which the Lower House would be elected in a proportionate manner. 2nd, he wished to see the principle of representation by population introduced, believing that before many years elapsed Upper Canada would require that in both branches. 3rd, the speaker of the Legislative Council should be elected by its members. Much has been said about this measure leading to an union with the United States. He had no wish for that in any case, least of all while slavery was maintained by laws on their statute book; but if any severance of the connection between Great Britain and Canada took place, he hoped it would be with good will on both sides.⁸⁵

DR. ROLPH regretted to hear the Post Master General support this bill because it would make the Upper House more independent by removing them from the fear of dissolution. Had that gentleman so soon learned the language of the Treasury Bench, that he already understood the word dissolution as a threat? That he already fancied he could say to members, you have now committed yourselves to us, and unless you go a little farther we will throw you again on the tender mercies of the people? Did he believe that any member in that House could be influenced by such a threat, and if they could not be in that the Lower House how much less in that which was intended to represent the independence of the House of Lords. Men were warned so to live as to be ready always to die, and he would recommend members of both Houses to conduct themselves in such a

manner as to be ready always to appear before the tribunal of the people. In the meantime he would presume that if we had an elective Council, its members would be high minded enough to spurn the threats of power, and pure enough to have no fear of appearing before their constituents. The Postmaster General seemed to him to blow hot and cold. First, that gentleman declared that the present Council did not possess the confidence of the people, and he no doubt finding that the popular opinion was determined to adhere to it; but then no doubt the premier in the Cabinet deliberations would turn round and say to him; it is very well to talk in that popular strain, but they are noblemen representing the English Lords, and you must let them remain, and then no doubt the Postmaster General was at once ready to allow them to remain. That was blowing cold. He thought consistency would have required the hon. gentleman to say (sic) that as they had lost public confidence they must stay no longer. But he was probably as much afraid of the dissolution of the cabinet as he thought members of Parliament were of a Parliamentary dissolution. These members too were not only to remain, but to remain for their lives. The hon. member said that the people would elect this Upper House quite as well as the administration. He was right; that was good reform doctrine; he blew hot; but then he turned round and blew cold again by always letting the members of this very House remain for life: It was easy to imagine the gentlemen (sic) enunciating his principles to his colleagues and equally easy to imagine them turning round and telling him none of that bunkum here, upon which no doubt the Post Master would be very happy to compromise and let them remain. Considering these things, the facts mentioned by the member for Missisquoi, the circumstance that in the beginning of the session no quorum could be obtained in the Legislative Council till the government was forced to beseech members to come and to pay them for their trouble--that even again since the recess there had for a long time been no quorum even to swear in the new members. Considering these things, he thought the present Council ought not to remain, and he even hoped the Post-Master General would at least be consistent, and if he could not succeed in carrying in the ministry that which he knew to be right, would come out and advocate his own views on the floor of the House.⁸⁶

MR. POST. GEN. SPENCE rose to reply, but sat down amidst cries of "spoke."⁸⁷

MR. AIKINS was in favour of applying the elective principle to the second branch of the Legislature, but looked upon many of the features of this Bill as very objectionable, and only voted for its second reading, because he understood it was the intention of the Government to improve it in Committee.⁸⁸

MESSRS. RANKIN and BELLINGHAM supported the second reading of the bill, but would endeavour to amend some of its details.⁸⁹

MR. A. DORION (de Montréal) n'a pas été peu surpris d'entendre dire que l'opinion publique ne s'était pas prononcée en faveur de l'éligibilité du conseil législatif, quand on voit le Commissaire des Terres, qui était si fortement opposé à ce principe durant la dernière session, proposer lui-même cette mesure parce qu'il y est forcé par l'opinion publique. Cela lui semble une preuve suffisante que l'opinion publique s'est bien prononcée sur cette question, et il pense que cela n'a été dit que pour avoir un argument de plus. On a tout fait depuis quelques années pour faire de la chambre haute un corps effectif, mais malgré toutes les nominations qu'on a faites, malgré le nombre de membres qui y ont été ajoutés, elle a continuellement baissé dans l'opinion publique, et le

seul remède qui puisse en faire quelque chose de bon, est de la rendre élective. Le conseil législatif est devenu tellement discrédité, que malgré toutes les nouvelles nominations, il était impossible d'avoir un quorum, et qu'il a fallu indemniser les membres pour les engager à remplir leurs devoirs de conseillers. Il est donc devenu nécessaire d'introduire un changement dans sa constitution. Il préfère le système de deux chambres à une seule, car la seconde chambre a l'effet de modérer la précipitation que peut apporter la chambre basse dans la législation; c'est dans ce sens que la mesure est conservatrice, et c'est pour cela qu'il l'approuve; d'un autre côté c'est une mesure démocratique, en ce qu'elle introduit le principe électif au lieu de la nomination à vie par la couronne, et il l'approuve encore pour cette raison. Mais tout en approuvant le principe du bill, il est opposé à plusieurs de ses détails. Ainsi il trouve que le mandat proposé est trop long; au lieu de huit ans, il ne voudrait le voir que de quatre ans ou de six ans au plus. Il est aussi opposé à ce que les anciens membres du conseil soient conservés, parce qu'ils ne possèdent pas du tout la confiance du peuple. La chambre haute doit nécessairement être moins nombreuse que la chambre basse, et si on considère les conseillers actuels, elle sera pendant un grand nombre d'années aussi nombreuse que la chambre d'assemblée.⁹⁰ He thought the number made up between the existing House and the elected members 92 or 93 inconveniently large and he would try to get the qualification made like that in the Senate of the United States.⁹¹ Il est encore opposé à la qualification foncière proposée par le bill, pour les membres du conseil, ainsi qu'à la nomination de l'orateur par le gouvernement; il pense qu'il vaut mieux que l'orateur soit élu par les membres du conseil, et il proposera les amendements dans ce sens lorsque le bill sera pris en considération en comité général.⁹²

MR. J.S. MACDONALD (Glengary) said as we had repeatedly asked for the right to make this change, he should cut a very foolish appearance if we did not make use of the right now it was obtained. Besides the measure had been demanded by the people since 1824.⁹³ He did not at all dread the evil consequences predicted by the hon. members for Lambton, Toronto and London, as certain to follow the adoption of this measure. He (Mr. M) would be the last man to give a vote which he thought would tend to hasten the dissolution of our connection with Great Britain.⁹⁴ It was said that it would lead us towards the United States; but the conservative party who professed such horror of the U.S. could on occasion threaten quite as loudly as any other, in proof of which he read a very violent remonstrance addressed to the Crown in 1824⁹⁵ ((OR)) in 1834⁹⁶, by the Upper Canada conservative Assembly, Mr. McLean being speaker, upon the occasion of the rejection of the two Bank bills by the Imperial Government.⁹⁷ Among those who voted for them were Sir Allan MacNab and other Tories of the first water. Old Mr. Ketchum was the only member of the House who voted against them. Yet all passed over quietly⁹⁸. The truth was they had long heard this cry about the United States on every occasion of change; but the Province was no nearer the United States than it was thirty years ago, and would be no nearer for passing this bill.⁹⁹

The House then divided.¹⁰⁰

On motion of MR. COM. CR. LANDS CAUCHON the bill was committed for Wednesday next, to be then the first order of the day.¹⁰¹

(766)

And the Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chapais, Christie, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Darche, DeLong, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Ferrie, Foley, Fournier, Frazer, Galt, Gamble, Gould, Hartman, Hincks, Holton, Jackson, Jobin, Langton, Laporte, Lemieux, Loranger, Macbeth, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Marchildon, Masson, Mattice, Meagher, Mongenais, Angus Morrison, Munro, Niles, Papin, Patrick, Poulin, Pouliot, Powell, Rankin, Roblin, Rolph, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Spence, Terrill, Thibaudeau, Whitney, and Wright.--(80.)

NAYS.

Messieurs Brown, Cameron, Larwill, and Wilson.--(4.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Wednesday next.

Then, on motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Attorney General Drummond,

The House adjourned.

APPENDIX: 28 MARCH 1855.

((NOTICE OF MOTION FOR A BILL RE: AMHERSTBURG AND ST. THOMAS RAILWAY COMPANY.))

MR. RANKIN gave notice of a Bill to incorporate a Company to construct a Railroad from Amherstburg to St. Thomas on March 28th.¹⁰²

((NOTICE OF MOTION RE: BILL TO ESTABLISH REGISTRY OFFICES IN LOWER CANADA.))

MR. LABERGE ((donne avis que)) vendredi prochain ((il fera motion pour un)) Bill pour établir des bureaux d'enregistrement dans tous les comtés du Bas-Canada.¹⁰³

((NOTICE OF MOTION RE: AN ADDRESS FOR STATEMENT OF MONEYS CONCERNING MONTREAL COURT HOUSE.))

MR. PAPIN ((donne avis que)) vendredi prochain ((il fera motion pour une)) Adresse à son excellence pour avoir un état des sommes perçues jusqu'au premier janvier dernier au moyen de la taxe imposée pour construire un palais de justice à Montréal; combien a été payé sur les sommes ainsi perçues, à qui et pour quelles causes; et combien reste à payer, en vertu des contrats faits par le gouvernement, pour compléter la dite bâtisse.¹⁰⁴

((NOTICE OF MOTION FOR HOUSE IN COMMITTEE TO CONSIDER AN ADDRESS RE: AID TO COMPENSATE CERTAIN PERSONS FOR LOSSES DURING THE REBELLION, 1837-1838.))

MR. J. DAOUST (Deux-Montagnes) ((donne avis que)) vendredi prochain ((il proposera que la chambre se forme en)) comité général pour prendre en considération une humble adresse à son excellence le gouverneur général, le priant de vouloir bien recommander à cette chambre qu'une somme de 7957L 7s 7d, soit votée pour payer les cent sept personnes dans les différentes parties du Bas-Canada, tel qu'il appert dans un rapport du 17 janvier 1852, par les commissaires nommés en vertu de l'acte 12 Vict., ch. 58.¹⁰⁵

((QUESTION AND ANSWER RE: AID FOR PUBLIC WHARF IN ST. ZOTIQUE.))

DR. MASSON enquired of the ministry whether it was their intention to grant an aid to the inhabitants of St. Zotique, in the County of Soulanges, to build a public wharf for the safe mooring of vessels passing between Upper and Lower Canada, which are compelled to stop at Coteau Landing, above the Rapids of Coteau du Lac, either to take in Pilots or to avoid the risk of passing the Rapids at night, the wharves at Coteau Landing and St. Zotique having been carried away, or become very dangerous and almost unserviceable, by the rise of the waters of Lake St. Francis, since the erection of the dams at the head of the Beauharnois Canal?¹⁰⁶

MR. COM. PUB. WORKS LEMIEUX said this matter would be taken into consideration with the others.¹⁰⁷

((QUESTION AND ANSWER RE: COMPENSATION TO PROPRIETORS OF WHARVES ON LAKE ST. FRANCIS.))

DR. MASSON enquired of the Ministry, whether it was the intention of the Government to make compensation to the proprietors of wharves on Lake St. Francis, erected prior to the year 1849,¹⁰⁸ ((OR)) 1853,¹⁰⁹ which have been carried away or destroyed by the rise of the waters, in consequence of the erection of the dams at the head of the Beauharnois Canal?¹¹⁰

MR. COM. PUB. WORKS LEMIEUX answered a commission had been appointed to ascertain and report upon these damages.¹¹¹

((QUESTION AND ANSWER RE: COMPENSATION FOR CERTAIN STAFF OF THE COURTS IN THE DISTRICT OF ST. FRANCIS.))

MR. GALT enquired of the Ministry, whether it is the intention of the Ministry to make any and what compensation to the Keeper of the Court House and Crier of the Courts for the District of St. Francis, for the purpose of placing him on an equality with the person holding the same office in the District of Three Rivers, and especially whether he is to be remunerated for his services as Crier from the year 1823 to the year 1846, during which period no salary whatever was attached to the office?¹¹²

MR. AT. GEN. DRUMMOND replied that the Government had all these salaries under consideration.¹¹³

((QUESTION AND ANSWER RE: IMPROVEMENT OF STE. ANNE'S RAPIDS.))

MR. MONGENAIS enquired of the Ministry, whether it was the intention of the Government, so soon as the season will permit to improve the Rapids of St. Anne, and thus render their navigation less difficult than it is at present?¹¹⁴

MR. COM. PUB. WORKS LEMIEUX said it was the intention of the Government to go on with the work.¹¹⁵

((QUESTION AND ANSWER RE: MILITIA.))

MR. J.S. MACDONALD (Glengary) enquired of the ministry whether there was any foundation for the rumor that a proposition has been submitted by the Imperial authorities in England to this government to forward the raising of one or more Regiments in Canada for active service here or abroad, to be officered in part by subalterns natives of Canada, and the remainder by officers from the United Kingdom, with a recommendation that a grant of land be secured to every soldier who may enlist in such regiments? He had understood that Major Tulloch had been authorized to form such corps, and supposed, of course, the Imperial government had not taken such a step without apprising the provincial government.¹¹⁶

MR. PRES. EX. COUN. MACNAB.--I have no objection to answer the honorable gentleman. There has been no correspondence between the Imperial and Colonial governments relative to the raising of one or more regiments in Canada, for active service here or abroad. I have heard it rumoured as has my honorable

friend, that Colonel Tulloch had offered the British Government to raise a regiment in this country for service in the Crimea, but have had no official intimation of the fact. I can assure the House, however, that should any emergency arise, requiring the enlistment of Canadians in active service, the government, whether it be from this side of the house or the opposite, will take care that the Canadian corps be placed upon an equal footing with any of Her Majesty's troops, which will enable them to discharge their duty with credit to themselves and with great honor and advantage to their country¹¹⁷, ((and)) that if such a proposition were made by the Imperial government, it must be through the provincial government¹¹⁸.

((WITHDRAWN MOTION RE: ACT FOR BUILDING COURT HOUSES AND GAOLS IN LOWER CANADA.))

MR. EGAN moved for a committee of the whole house to take into consideration the expediency of amending the act 12 Vic., cap. 112, intituled "An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada"¹¹⁹. He said that the present Act was exceedingly unjust and oppressive for it levied a tax on suitors which was exceedingly heavy in order to keep up fine buildings which were used for criminal jurisprudence. That was to say the poor debtor, who could scarcely pay his own debts, or the creditor, exposed to the necessity of suing his debtor without getting paid had to pay for a Court House which served all the purposes of the country.¹²⁰ He said that the house would see the necessity of adopting measures removing the burthen from the poor man, and the unsuccessful suitor in the courts of law.¹²¹

MR. AT. GEN. DRUMMOND did not deny but that some legislation was necessary, and a measure would be prepared during the next vacation, and would be brought forward the next session by the Government to meet the honorable gentleman's views.¹²²

MR. FERRES was glad to hear that a change would be introduced into the present system. The present system compelled the poor man to pay the taxes, and expenses for the erection of these enormous buildings. This tax should be levied upon the whole district, and not upon the poor suitors; and he hoped the honorable Attorney General would not delay in bringing in his remedial measure.¹²³

MR. ROBINSON agreed with the hon. member who had last spoken.¹²⁴

MR. AT. GEN. DRUMMOND believed that opposition to this bill arose from an erroneous impression. The hon. members at the other side, thought that the object of making the assessment was for municipal purposes as well as schools, and that the tax went into the Government chest; this every hon. member in the house knew was not the fact.¹²⁵

MR. GAMBLE hoped the government would take the matter up and assimilate both systems in Upper and Lower Canada.¹²⁶

MR. A. DORION of Montreal, deprecated the present system, and thought that it was worthy of the government taking into their hands without delay.¹²⁷

The motion was withdrawn.¹²⁸

((WITHDRAWN MOTION RE: CROWN LANDS SOLD IN COUNTY OF RENFREW.))

MR. POWELL moved an address to His Excellency for a Return of all Crown Lands sold in the County of Renfrew by the Crown Land Agent since the first day of January, 1852, specifying the number of each Lot, Concession, and Township, together with the name of purchaser, and amount paid on each Lot.¹²⁹ He said that the reason for making this motion was that he understood a large quantity of land had been sold in the County, under the rule requiring settlement; but without the settlement duties having been enforced. He wanted to get a full account of all these sales for he believed there had been a great deal of favoritism. While he was upon the subject, he would also remark that he believed there had been great favoritism in the laying out of the roads on the Ottawa, for which money had been granted. One road had cost \$125 per mile for the survey while others had cost only \$25. It was time that the irresponsible system on which this money had been expended should be abolished. For at present there was corruption arising from it, from one end of the country to the other.¹³⁰

MR. PRES. EX. COUN. MACNAB said that these grants were made before the present Government came into office. He had no objection--but thought that before this expense was entailed on the country,--some reasons ought to be given for the necessity of its introduction. The government desired to keep nothing behind but to give all the information they could at once.¹³¹

MR. EGAN especially called the attention of the Ministry to the propriety of restoring the rule by which the lumber license money for timber cut on the lands of actual settlers was returned to them.¹³²

MR. LYON said that the House would recollect that a rule had existed requiring actual settlement from the purchasers of Crown Lands. But this rule had been interpreted in such a manner that persons had been able to acquire large tracts of land by the payment of one tenth¹³³ ((OR)) one fourth¹³⁴ of the price down, they had no intention of actual settlement. Thus Mr. McLachlan had obtained 10,000 acres of land, with no idea of actual settlement. By so doing he ... had prevented another man from carrying on the business which he understood and on which he had been engaged there, and who had these lands as limits. He understood that this rule was to be relaxed with regard to lands surveyed before a certain time and if so, he believed that lands disposed ((of)) in ... the manner he had mentioned ought to be put up to sale again. He also complained of the manner in which the money had been laid out on roads in the Ottawa Country (sic), and especially of the authority exercised by Mr. Bell.¹³⁵ The government employee, Mr. R. Bell, had all the control of the Ottawa district. The idea of making roads in the snow in winter was preposterous, and he was glad the motion would bring the matter under the notice of the Government.¹³⁶

MR. J.S. MACDONALD (Glengary) concurred in the remark that lands sold as the member for Russell had described ought to be put up again, because it was most unjust that actual settlers should be kept out of land in order to give the property to speculators, who paid so much less on account of the rule requiring settlement and yet who never intended to settle.¹³⁷

After some further discussion in which ... others took part, the motion was withdrawn on Sir Allan MacNab undertaking that all information in the power of the government would be given.¹³⁸

((POSTPONED MOTION RE: ACCOMMODATION OF EMIGRANTS PASSING THROUGH PROVINCE.))

MR. A. DORION, of Montreal, has the following important Resolutions before the House of Assembly:

1. That an humble Address be presented to His Excellency the Governor General, representing that in the opinion of this House Emigrants coming by the River St. Lawrence do not find at the several landing places at which they are obliged to stop in passing through this Province, the accommodation necessary for their lodging and shelter, a want which has heretofore exposed them to much misery and suffering and has been the means of spreading contagious and epidemic diseases in different parts of the Province.

2. That the construction of suitable buildings at some healthy and isolated point, accessible by water communication, near each of the different Towns and Cities where the emigrants usually land, or change conveyances, on their way through this Province, to be used as temporary shelter for such emigrants, and as Hospitals for those who may be detained by sickness, would secure to the emigrants by the St. Lawrence route considerable advantages, and would in a great measure prevent the recurrence and communication of those diseases from which the inhabitants of this Province have suffered so severely during the last few years.

3. That His Excellency the Governor General be prayed to cause such measures to be adopted as he may deem the most expedient to carry into effect the intentions of this House as expressed in the foregoing resolutions.¹³⁹

MR. AT. GEN. DRUMMOND said the matter was under the consideration of the government, who proposed to take the necessary steps to make proper provision for these people¹⁴⁰.

The motion was postponed.¹⁴¹

FOOTNOTES: 28 MARCH 1855.

1. LE PAYS, 3 March 1855.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. TORONTO DAILY LEADER, 4 April 1855.
7. LE PAYS, 3 March 1855.
8. IBID.
9. IBID.
10. TORONTO DAILY LEADER, 4 April 1855.
11. MORNING CHRONICLE, 29 March 1855.
12. TORONTO DAILY LEADER, 4 April 1855.
13. MORNING CHRONICLE, 31 March 1855.
14. TORONTO DAILY LEADER, 4 April 1855.
15. MONTREAL GAZETTE, 2 April 1855.
16. TORONTO DAILY LEADER, 4 April 1855.
17. MORNING CHRONICLE, 31 March 1855.
18. TORONTO DAILY LEADER, 4 April 1855.
19. MORNING CHRONICLE, 31 March 1855.
20. TORONTO DAILY LEADER, 4 April 1855.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. TORONTO DAILY LEADER, 4 April 1855, reports: "The bill was read a second time." This information differs from the JOURNALS which record the Bill "was ordered to be read a second time To-morrow", 29 March 1855.
28. LE PAYS, 3 March 1855.
29. TORONTO DAILY LEADER, 4 April 1855.
30. HAMILTON SPECTATOR, 7 April 1855.
31. TORONTO DAILY LEADER, 4 April 1855.
32. IBID.
33. MORNING CHRONICLE, 31 March 1855.
34. TORONTO DAILY LEADER, 4 April 1855.
35. HAMILTON SPECTATOR, 7 April 1855.
36. TORONTO DAILY LEADER, 4 April 1855. The ellipsis within Mr. Wilson's comment appears in the newspaper.
37. IBID.
38. IBID.
39. IBID.
40. GLOBE, 11 April 1855 (in Scrapbook Hansard). The source of Scrapbook Hansard appears to be GLOBE, 11 April 1855. The microfilm of the GLOBE contains only one page of this issue, and only the latter portion of Scrapbook Hansard's account is found on that page.
41. TORONTO DAILY LEADER, 4 April 1855.
42. IBID.
43. IBID.
44. GLOBE, 11 April 1855 (in Scrapbook Hansard).
45. TORONTO DAILY LEADER, 4 April 1855.
46. GLOBE, 11 April 1855 (in Scrapbook Hansard).

47. TORONTO DAILY LEADER, 4 April 1855.
48. IBID.
49. IBID.
50. GLOBE, 11 April 1855 (in Scrapbook Hansard).
51. TORONTO DAILY LEADER, 4 April 1855.
52. GLOBE, 11 April 1855 (in Scrapbook Hansard).
53. TORONTO DAILY LEADER, 4 April 1855.
54. GLOBE, 11 April 1855 (in Scrapbook Hansard).
55. TORONTO DAILY LEADER, 4 April 1855.
56. HAMILTON SPECTATOR, 7 April 1855.
57. TORONTO DAILY LEADER, 4 April 1855.
58. GLOBE, 11 April 1855 (in Scrapbook Hansard).
59. TORONTO DAILY LEADER, 4 April 1855.
60. LE PAYS, 3 March 1855.
61. MORNING CHRONICLE, 4 April 1855.
62. GLOBE, 11 April 1855 (in Scrapbook Hansard).
63. MORNING CHRONICLE, 4 April 1855.
64. TORONTO DAILY LEADER, 4 April 1855.
65. MORNING CHRONICLE, 31 March 1855.
66. TORONTO DAILY LEADER, 4 April 1855.
67. MORNING CHRONICLE, 31 March 1855.
68. TORONTO DAILY LEADER, 4 April 1855.
69. MORNING CHRONICLE, 31 March 1855.
70. TORONTO DAILY LEADER, 4 April 1855.
71. MORNING CHRONICLE, 31 March 1855.
72. TORONTO DAILY LEADER, 4 April 1855.
73. MORNING CHRONICLE, 31 March 1855.
74. TORONTO DAILY LEADER, 4 April 1855.
75. MORNING CHRONICLE, 31 March 1855.
76. TORONTO DAILY LEADER, 4 April 1855.
77. MORNING CHRONICLE, 31 March 1855.
78. TORONTO DAILY LEADER, 4 April 1855. According to this newspaper, Mr. Spence followed Mr. Ferres, and commented on Mr. Ferres' speech. To incorporate this comment into the Postmaster General's speech, it was necessary to follow the order as reported in TORONTO DAILY LEADER, 4 April 1855, which differs from the other newspapers. MORNING CHRONICLE, 31 March 1855, Scrapbook Hansard (28 March 1855), LE PAYS, 3 April 1855, LA MINERVE, 10 April 1855, report Mr. Spence immediately preceding Mr. Ferres.
79. MORNING CHRONICLE, 31 March 1855.
80. HAMILTON SPECTATOR, 7 April 1855.
81. GLOBE 11 April 1855 (in Scrapbook Hansard).
82. LE PAYS, 3 March 1855.
83. MORNING CHRONICLE, 31 March 1855.
84. TORONTO DAILY LEADER, 4 April 1855.
85. MORNING CHRONICLE, 31 March 1855.
86. IBID.
87. TORONTO DAILY LEADER, 4 April 1855.
88. GLOBE, 11 April 1855 (in Scrapbook Hansard).
89. MORNING CHRONICLE, 31 March 1855.
90. LE PAYS, 3 March 1855.
91. MORNING CHRONICLE, 31 March 1855.
92. LE PAYS, 3 March 1855.
93. MORNING CHRONICLE, 31 March 1855.
94. GLOBE, 11 April 1855 (in Scrapbook Hansard).

95. MORNING CHRONICLE, 31 March 1855.
96. GLOBE, 11 April 1855 (in Scrapbook Hansard).
97. MORNING CHRONICLE, 31 March 1855.
98. GLOBE, 11 April 1855 (in Scrapbook Hansard).
99. MORNING CHRONICLE, 31 March 1855.
100. IBID.
101. GLOBE, 11 April 1855 (in Scrapbook Hansard).
102. WESTERN PLANET, 18 April 1855.
103. LE PAYS, 3 March 1855.
104. IBID.
105. IBID.
106. MORNING CHRONICLE, 29 March 1855.
107. IBID.
108. MORNING CHRONICLE, 29 March 1855.
109. Telegraph (LE PAYS, 29 March 1855). This newspaper reports the question was whether proprietors of wharves erected prior to 1853, would be compensated. Telegraph (LA MINERVE, 30 March 1855) also reports "1853"; however, the English newspapers of MORNING CHRONICLE, 29 March 1855, Telegraph (TORONTO DAILY LEADER, 29 March 1855), and HAMILTON SPECTATOR, 31 March 1855, all report "prior to the year 1849".
110. MORNING CHRONICLE, 29 March 1855.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. TORONTO DAILY LEADER, 4 April 1855.
118. MORNING CHRONICLE, 29 March 1855.
119. TORONTO DAILY LEADER, 4 April 1855.
120. MORNING CHRONICLE, 31 March 1855.
121. TORONTO DAILY LEADER, 4 April 1855.
122. IBID.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. MORNING CHRONICLE, 31 March 1855.
129. TORONTO DAILY LEADER, 4 April 1855.
130. MORNING CHRONICLE, 31 March 1855.
131. TORONTO DAILY LEADER, 4 April 1855.
132. MORNING CHRONICLE, 31 March 1855.
133. IBID.
134. TORONTO DAILY LEADER, 4 April 1855.
135. MORNING CHRONICLE, 31 March 1855.
136. TORONTO DAILY LEADER, 4 April 1855.
137. MORNING CHRONICLE, 31 March 1855.
138. TORONTO DAILY LEADER, 4 April 1855. MORNING CHRONICLE, 31 March 1855 reports "the motion was carried." According to the JOURNALS no such address came into effect on 28 March 1855 or any other day.
139. HAMILTON SPECTATOR, 7 April 1855.
140. MORNING CHRONICLE, 29 March 1855.
141. IBID.

THURSDAY, 29 MARCH 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Rolph,--The Petition of the Town Council of the Town of Simcoe.

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By Mr. Masson,--The Petition of Major J. Schagel and others, of the County of Argenteuil.

By Mr. Fergusson,--The Petition of John Cockburn and others.

By Mr. Casault,--The Petition of the School Commissioners of the Village of Fraserville, in the Parish of St. Patrice de la Rivière du Loup.

By Mr. Blanchet,--The Petition of the College of Physicians and Surgeons of Lower Canada.

By Mr. Mattice,--The Petition of Joseph A. Bockus and others, of the Township of Osnabruck.

By Mr. Brown,--The Petition of the Reverend J. McLachlan and others, of the County of Halton; and the Petition of the Reverend J.W. Constable and others, of the County of Argenteuil.

By Mr. Scatcherd,--The Petition of T.S. Grouse, of the County of Middlesex; and the Petition of the Reverend Walter Scott and others, of the County of Argenteuil.

By Mr. Aikins,--The Petition of John Snell and others, of the County of Peel.

By the Honorable Mr. Cameron,--The Petition of Sister Mary Delphine, Superior, and others, Sisters of St. Joseph, of the City of Toronto.

By Mr. Solicitor General Ross,--The Petition of F.H. Ponsant and others, of the Parish of St. François d'Assise, County of Beauce.

By Mr. Larwill,--The Petition of Samuel S. Burns, junior, and others, of the Township of Orford, in the County of Kent; and the Petition of John Scott and others, of the Township of Orford, in the County of Kent.

By the Honorable Mr. Merritt,--The Petition of the Municipality of the Township of Grimsby.

By Mr. Mackenzie,--The Petition of Thomas Webster and others, of the City of Hamilton; and the Petition of James McQueen and others, of the Township of Pilkington, in the County of Wellington.

By Mr. Foley,--The Petition of W.R. Macdonald and others, Clerks of Division Courts in the County of Wentworth.

Pursuant to the Order of the day, the following Petitions were read:--

Of John A. Sangster and others, of the Counties of York and Ontario; of W.J. Alexander and others, of South Durham, in the County of Drummond; of H.S. Huber and others, of the County of Waterloo; of the Reverend James Pringle and others, of the County of Peel; and of John Watson, senior, and others, of the County of Peel; praying that the discretionary power of commu((ta))tion may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of John Lyford and others, of Stanstead; praying that the basis of direct taxation be so enlarged, that whatever Assessments it may be necessary to levy for general or local purposes, be rated upon every species of property and source of income indiscriminately.

Of Sister M.J. Hainault dite Deschamps and others, Sisters of Charity in charge of the General Hospital in the City of Montreal; praying for an aid.

Of Gilbert McIntosh and others, of the Village of St. Mary and vicinity; praying for the passing of a Prohibitory Liquor Law.

Of T.R. Tranchemontagne and others, of the County of Berthier; and of the Municipal Council, No. 1, of the County of Rimouski; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of George Atkinson and others, of the Township of Durham; praying for a re-survey of the said Township, and the erection of land marks thereupon.

Of the Town Council of the Town or Borough of William Henry; praying that

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the Bill to exempt County Municipalities from all charges and taxes for the maintenance of Public Roads within the limits of the Municipalities of Incorporated Towns, Boroughs, and Villages, may not pass into Law.

Of the Wardens of the House of Industry, and the Mayor, Aldermen, and Citizens of Montreal; praying that the management and control of the said House of Industry may be vested in the said Corporation.

Of Edward Jones, junior, and others, of the County of Argenteuil; praying that no change may be made in the limits of the said County.

Of the Municipality of the Village of Fraserville; praying that the Bill now before the House to prevent Intemperance may become Law.

Of Joseph Tremblay, of the Parish of St. John's, in the District of Montreal, Trader; praying payment of his claim as a Militiaman during the War with the United States.

Ordered, That the Petition of John McDonald and others, of the Village of Gananoque, and others; the Petition of Charles R. Black and others, of the County of Renfrew; the Petition of Abishai Morse and others, of the Township of Grimsby; the Petition of Thomas A. Corbett and others, of the City of Kingston; the Petition of Richard Woodruff and others; the Petition of Bradford Division, No. 146, of the Order of the Sons of Temperance; and the Petition of E.J. Adams, Mayor, and G.J. Hamilton, Secretary, on behalf of a Public Meeting of the Inhabitants of the Town of St. Catharines, be referred to the Select Committee on Temperance.

Ordered, That the Petition of George Southwick, Esquire, and others, relating to a Railway from Detroit River to Niagara River; the Petition of the Municipality of the Township of Howard, relating to a Railway from Amherstburg to St. Thomas; the Petition of the Municipality of the Township of Orford, relating to a Railway from Amherstburg to the Niagara River; the Petition of the Municipal Council of the County of Essex, relating to a Railway from Amherstburg to St. Thomas; and the Petition of the Municipality of the Township of Louth, relating to the Great Western Railway, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Langton, from the Select Committee appointed to report to this House the best means of making public the valuable information already obtained by the Geological Survey, and of completing it at an early period upon a uniform system, presented to the House the Report of the said Committee; which was read.

For the said Report, see Appendix (L.)

Ordered, That the said Report be printed for the use of the Members of this House.

Mr. Lyon, from the Select Committee to which was referred the Petition of the Town Council of the Town of Brockville, and other references, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have considered the several Petitions referred to them, praying that incorporated Towns may be exempted from taxation for County purposes. As the Law now stands, Incorporated Towns are represented in the County Councils and are liable to taxation by By-Laws of those Councils, for County improvements, &c. Your Committee are of opinion that this is oppressive and burthensome in its operation, and tends to retard the improvement of the Towns and cripple their resources, they would therefore respectfully recommend, that a Bill be introduced to amend the Laws relative to Municipal Corporations in Upper Canada, by separating Incorporated Towns from the Municipality of the County in which they may be respectively situate, and erecting them into independent

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Corporations, (as is now the case with Cities,) and exempting them from taxation for County purposes, rendering each such Town liable however for its just and fair proportion of the charges to which the County may be liable for the expenses connected with the Administration of Justice.

On motion of Mr. Fergusson, seconded by Mr. Casault,

Ordered, That the Bill from the Legislative Council, intituled, "An Act providing for the payment of Dividends by Insurance Companies," be now read a first time.

The Bill was accordingly read a first time; and ordered to be read a second time on Monday next.

Ordered, That the Petition of Messieurs Masson, Thibaudeau and Company, and others, Merchants, of the City of Quebec, be printed for the use of the Members of this House.

Ordered, That Mr. Alleyn have leave to bring in a Bill to incorporate the Asylum of the Good Shepherd, of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the Petition of T.R. Tranchemontagne and others, of the County of Berthier, be printed for the use of the Members of this House.

Ordered, That Mr. Langton be added to the Select Committee to which was referred the Bill to amend the Act 8 Vic. cap. 49, and to extend the provisions of the same.

Ordered, That Mr. Crawford have leave to bring in a Bill to separate certain Towns therein mentioned from the Municipal Council within whose limits the same are situated, and to make the same independent Corporations.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The House proceeded to take into consideration the Amendment made by the Legislative Council to the Bill, intituled, "An Act making certain provisions

rendered necessary by the separation of the Counties of Halton and Wentworth"; and the same was read, as followeth:--

At the end of the Bill, add the following Clause: "And be it enacted for the purpose of preventing injustice to parties, that in any case where a person shall have been heretofore, or shall hereafter be admitted to the limits of any Union of Counties in the manner prescribed by Law, and when such Union shall have been heretofore, or shall hereafter be dissolved, or where any one or more Counties shall have been heretofore or shall hereafter be separated from such Union, after such admission then and in every such case, the said person shall be held to retain the right to travel and reside in any portion of the said Counties, as if no dissolution or separation had taken place, and the said person shall not be held by reason of such travel or residence, to have broken any bond or condition thereof; or to have forfeited any security given for the purpose of obtaining the benefit of such limits. Provided always, that in any case where proceedings in Law have been instituted before the passing of this Act against any person or his or her sureties by reason of such person having

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travelled from one County into another County of the said Union, or by reason of his or her having continued to reside in one County of the said Union after any such dissolution or separation, such legal proceedings may be continued and prosecuted until the payment by the Defendant or Defendants of the Plaintiff's costs of suit as between Attorney and Client, and on such payment the said proceedings shall be discontinued."

The said Amendment, being read a second time, was agreed to.

Ordered, That the Honorable Mr. Attorney General Macdonald do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.

The House proceeded to take into consideration the Amendment made by the Legislative Council to the Bill, intituled, "An Act to extend the time for completing the Louth Harbour;" and the same was read, as followeth:--

Page 1, line 5. Leave out "twelve" and insert "twenty."

The said Amendment, being read a second time, was agreed to.

Ordered, That the Honorable Mr. Merritt do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.

MR. CAMERON moved to Resolve,--"That an humble Address be presented to Her Majesty, informing Her Majesty that the Legislature of this Province, during the present session of the Provincial Parliament, has passed an Act by which it is declared that there shall be an entire separation between Church and State in Canada, and that the Clergy Reserve Funds and Lands shall be appropriated to secular purposes, after providing for the salaries of existing incumbents; that the members of the United Church of England and Ireland in this Province, are under disadvantages that are felt by no other denomination in the Province, inasmuch as they are unable to meet with their Bishops and Clergy in Synod in their several Dioceses, to frame rules and canons for their own guidance and governance, as large numbers of them conscientiously believe that they are under restrictions from the existence of Imperial Statutes against the holding of such Synods, and inasmuch as they are hereafter required to provide for the maintenance of the Bishops of their Church, while they are not allowed to have any voice in their selection or appointment and praying that Her Majesty will be

graciously pleased to cause a measure to be introduced into the Imperial Parliament during its present Session, to remove all obstructions that may exist or be supposed to exist, under any Statute now in force in Great Britain, to prevent the meeting of the Bishops, Clergy and Laity of the United Church of England and Ireland in their several Dioceses in this Province, in Synod, to frame rules and canons for their own guidance and governance, and to enable them to proceed hereafter to the election of their own Bishops; provided that such rules and canons are not repugnant to the Laws of this Province, nor to any Act or Acts that the Legislature of Canada may hereafter pass in reference thereto."

((He)) ... repeated the explanations he gave on a former occasion, when he introduced the same motion, and consented to postpone it for a few days. He gave also some additional grounds on which he urged the House to accede to the course he proposed. When the bill to give the colonial churches the power of synodical action was before the Imperial Parliament, he said it had been urged against the measure that the Colonial Legislatures had said nothing on the subject, and that they were extremely averse to the interference of the Imperial Parliament in their ecclesiastical affairs. This objection would be removed, if the address he now submitted were approved of by the House. He had heard that some honourable members of this House, representing a certain class of opinions, intended to oppose this address. He might inform those gentlemen that many of the voluntaries in the House of Commons were among the warmest supporters of the bill. Joseph Hume was one of those who gave it a hearty support. It was no unreasonable request that the Church of England in this colony now made nothing more than she would be ready to grant to any other denomination, did it happen to be similarly situated. He held in his hand a statute passed by the Legislature of the Church of England colony of Victoria in favour of the church to which he understood his hon friend from Lambton belonged, separating the Free Church from the Church of Scotland Synod, and constituting them an independent church. The position in which the Church of England in this colony was placed was a most extraordinary one. They had no ecclesiastical jurisdiction, and no means of managing their own affairs. The Bishop's power was autocratic. If he wanted his child baptized, and that rite was refused by the clergyman, he had no right to compel it. If he was refused the sacrament to himself, he had no right to compel it. They had no rules or regulations as among themselves.¹ The church being in no way connected with the state, and, while their property was taken away, it was not fair to have their hands tied up. Several measures were from time to time introduced to the Imperial Parliament to do away with these disabilities. But no one in particular having charge of them, they were allowed to drop; and perhaps it was considered that our own Legislature was the place where we should properly come for relief. They asked for no law, no statute, they wished to affirm nothing, but to negative the Imperial enactments by which they were tied down. It was only fair to grant what has not been denied in other colonies to other churches.² The right of nominating Bishops to this colony rested with the Crown of England, and the Church here wanted that power for herself, although they had no desire whatever to separate themselves from the United Church of England and Ireland in the mother country. They did not ask the Imperial Parliament to do anything for them, but simply to remove the obstructions under which they laboured.³

MR. BROWN said the address asked the Imperial Parliament, not simply to remove obstructions, but to give the church positive powers to frame rules and canons, which would have the force of law.⁴

MR. CAMERON hoped the honourable gentleman would not take his resolution out of his hands and make it appear that he demanded from the Imperial Parliament what he did not profess to ask.⁵ They did not, as had been stated by his hon. friend (Mr. Brown), seek to place themselves beyond the control of the Legislature.⁶ He hoped that this Legislature would not refuse to assist them in obtaining their just rights. They were a law-abiding people, and did not desire to be left in a position in which they would ultimately be compelled to break the law, if that law was not repealed. If this Legislature would not assist them, and if the Imperial Legislature would not give them what they asked, they would then feel that they had done everything they could, and although they might have to act in the face of statutes which ... they would not like to transgress, they would consider the interests of their church so dear to them that it might be necessary that they should break the law. He hoped this Legislature would not place them in the position of being law-breakers. The honourable gentleman concluded by reading portions of the debates in the House of Commons on the Colonial Church bill, in order to illustrate the position of the question.⁷

MR. GAMBLE ... seconded ... ((the motion.))⁸

MR. LORANGER did not want to give a silent vote on the subject. He regarded it as a simple question of religious liberty, and as a Catholic, desiring the right of having that particular form of church government which he thought best, he was willing to grant similar privileges to all others.⁹ If he understood the present question properly there were certain acts on the British Statute book which declared that the supremacy of the church of England belonged to the Queen and that even out of the realm of England the members of the church could not meet in Synod. It appeared farther that there had been several petitions from Colonial bodies of churchmen praying that these statutes should be repealed¹⁰ but ((they)) had not succeeded, and they now came to the Legislature to secure their assistance. The answer to former petitions was, that the permission of the Legislature of Canada must be obtained.¹¹ What was asked for as he understood it, was not to give any privileges but that those statu((t))es which prevented this assembling together in Synod should be repealed. In other words the object of the address was to place the Church of England on the same footing as all other churches in the Colony.¹²

MR. LABERGE enquired if there were any petitions before the House demanding this measure¹³ ((OR)) if the demand from the members of the Church of England was unanimous.¹⁴

MR. CAMERON.--Yes; a petition had been presented from 200,000 members of the Church of England¹⁵ in the western section of the Province¹⁶, represented by their ministers and lay representatives.¹⁷

MR. FERRES said it was the unanimous desire of the churchmen of Lower Canada that this address should pass. He would only say that that which is required in the resolution of the hon. member for Toronto is most ardently desired by the members of the Church of England in his (Mr. Ferres,) section of the Province.¹⁸

MR. FELTON supported the motion, and said he could not suppose that the honourable member for Lambton, professing as he did to be an ardent friend of civil and religious liberty, would oppose it. The Church of England in this

colony was now in no way connected with the State and it was but reasonable that she should be relieved from the great difficulties under which she laboured, which were applicable to no other denomination.¹⁹ It was carrying out the principle of voluntarism to its legitimate extent.²⁰

MR. GAMBLE had never known anything more reasonable or more just. All that was asked for was an address to the Imperial Parliament for a permissive bill. Nobody was affected but the members of the Church of England, and as the members of that church had in vain endeavored to accomplish themselves that which was now sought for through the medium of Canadian Legislative intervention, a necessity did exist for immediate action on the matter.²¹

Cries of "Carried! carried!"²²

MR. BROWN hoped the House would be favoured with the opinions of the Government on this question. (Hear, hear.)²³

MR. AT. GEN. DRUMMOND did not see that it was a Government question, but he presumed that no member of the Government would resist so reasonable a request,--according to which would just place the Church of England in the same position as the Church of Rome in this country. He thought the member for Toronto had offered conclusive arguments in support of his motion.²⁴

MR. BROWN said, he agreed with the hon. Attorney General that the proposition of his hon. and learned friend the member for Toronto, judging of it by the speech they had just heard, appeared to be a reasonable one; nay, he would go still further and admit that to make the church of England in this province independent, and to give the members of that church the selection of their own bishops, was a most desirable and praiseworthy object. But he thought he would be able to show that the addresses proposed to be sent to the Queen by the learned gentleman, went far beyond his speech, and that the end really sought to be obtained was most dangerous and ought not to be countenanced by the Canadian Legislature.²⁵ The fact was that there had been introduced into the House of Commons a bill whose provisions went much farther than the propositions contained in this address.²⁶ The question really at issue in the proposition of the hon. and learned gentleman, was the decision of a point which for many years, and in many shapes, had distracted Upper Canada, namely: what is the position of the Church of England in this colony? is it a part of the Anglican Establishment, with all the immunities of that state church, or is it merely the Episcopal church of Canada, standing on the same footing in the eye of the law as other Protestant churches in this colony. (Hear, hear.)²⁷ It ((the bill)) in fact established as something taken for granted that the Church of England extended by its ecclesiastical jurisdiction to this Province.²⁸ It was well known that the Liberal party of Upper Canada had always contended that the Anglican establishment did not extend to Canada, that the clergy of the English church possessed no powers, and were under no disabilities which the Canadian Parliament had not created; and it was equally well known that Churchmen as resolutely maintained that the Diocese of Canterbury extended to this Province, that the Church of England was the established religion of the empire, and that their clergy held here the same status they possessed at home. He (Mr. Brown) apprehended that the resolution of the hon. and learned member from Toronto, if adopted by the House, would, for the first time, recognise the claim so long asserted by the high-church party, and if the Imperial Parliament acted upon it,

would confer a status on the Church of England in Canada which it had never legally held. (Hear, hear.) The hon. and learned gentleman contended that the statute of Henry VIII, and the statute of Elizabeth extend to the church of Canada, that by their Acts, the Colonial Church is debarred from appointing its own bishops, and holding synods to regulate the internal management of the body, and that all he sought was to remove that disability. Now he (Mr. Brown) contended that the statutes in question did not extend to Canada, that we had nothing to do with them, and that this legislature should not meddle in the matter at all. (Hear, hear.) Church and State connection was now entirely ignored in Canada, the legislature had resolved to leave all ecclesiastical matters to the members of the several churches, and it would certainly be expedient to leave the church of England here and at home to settle their relative positions among themselves. (Hear, hear.) But if the whole end sought by the hon. member for Toronto and his friends was what has been represented, if they sought merely to have any disabilities, or supposed disabilities caused by the statutes in question removed, why not introduce a bill into this legislature declaring that the said Acts did not extend to Canada, and had no effect here? And if it was said, which we could not admit, that they had not the power to make that declaration effectual, why then did not his hon. and learned friend (Mr. Cameron) ask the Imperial Parliament to declare this in as many words? Why did he frame his resolution so that it was impossible to tell from it what he did want? The reason was perfectly obvious, the hon. gentleman and his friends sought, true enough, to have the right of appointing their own bishops, and of holding synods, but they sought at the same time to retain their assumed position as an integral portion of the Anglican State Establishment, to have their ecclesiastical system regulated by an imperial statute which would over-ride Provincial Legislation, to have a formal recognition at this late day, of the old claim that the Diocese of Canterbury extends to this colony.²⁹

MR. CAMERON.--That is precisely what we want to get quit of!³⁰

MR. BROWN.--Why then did you not say so in your resolution? Why evade the direct statement of what you want? Why did you at first give notice of an address and now propose another? Why have you changed the wording of your address so that that which was at first a direct demand for a continuance of connection with the Anglican establishment, is now so mysterious and involved that it may be explained to mean anything? The address originally given notice of, plainly declared that the proceedings of the church here were to be "subject to the confirmation or rejection by her Majesty and her successors--"³¹

MR. HINCKS.--What harm is there in that?³²

MR. BROWN.--There is this harm--that the original notice shows what the object of this motion is, and the resolution itself does not. There is this harm, that the Liberals in this House are called upon to recognize a connection between the English Church in Canada and the Crown of England, which they have always denied. (Hear, hear.) The resolution of the honourable member for Toronto sets out dexterously with the recital of the clause in the Clergy Reserve Act, affirming the total disconnection of Church and State in Canada, and thus it goes on to pray that a measure may be introduced into the Imperial Parliament "to remove all obstructions that may exist or be supposed to exist, under any statute now in force in Great Britain, to prevent the meeting of the

Bishops, Clergy and Laity of the United Church of England and Ireland in their several dioceses in this Province, in Synod, to frame rules and canons for their own guidance and governance, and to enable them to proceed hereafter to the election of their own Bishops; provided that such rules and canons are not repugnant to the laws of this Province, nor to any act or acts that the Legislature of Canada may hereafter pass in reference thereto." Now, mark the effect of this language! Not only are all disabilities to be removed, but power is demanded "to frame rules and canons--"³³

Several Members.--No, no! Only to remove the disability to frame rules and canons."³⁴

MR. BROWN.--But I say yes, yes! If that were the whole intention, what necessity would there be for the proviso that follows: "provided that such rules and canons are not repugnant to the laws of this Province?" (Hear, hear.) If the Synod is not to get power to frame canons, why have a special limit placed upon the framing of canons? (Hear, hear.) But we are not left in any doubt on the point. I hold in my hand a copy of the bill which was brought before the Imperial Parliament under the auspices of the Colonial Bishops, and I find in the preamble the object of the measure expressly declared to be that "the Bishop of any diocese of the United Church of England and Ireland within her Majesty's foreign or colonial possessions, together with the Clergy and Laity of the same" may "have power, under certain restrictions, to make regulations for the management of their ecclesiastical affairs." (Hear, hear.) And in clause 5, I find it declared that nothing done by the colonial church shall "affect that subordination of the said Bishops, Clergy and Laity, to the See of Canterbury, except with the consent of the Archbishop of the said See, previously or thereafter signified by him under his hand and seal, confirmed by an order of her Majesty in Council." (Hear, hear.) And yet in the face of this we are told that all that is sought is to make the colonial church free.³⁵

MR. CAMERON.--I do not think the honourable gentleman is dealing with the question fairly. My resolution is not the same as that bill, which I merely handed to him as a matter of favour. Let him argue on my resolution and not on that bill. I do not ask the House to affirm the bill, but to affirm the resolution.³⁶

MR. BROWN.--Very true, Mr. Speaker, the honourable gentleman does not ask us to affirm the bill, but in considering his resolution we cannot ignore the bill and all the incidents connected with it. The honourable gentleman told us that the representatives of 200,000 episcopalians--meaning, I presume, the bishops and a few of his clergy--had petitioned the Imperial Parliament for what he wants. Now, sir, this bill was the result of that petition. (Hear, hear.) It was introduced into Parliament under the auspices of the Colonial Bishops, and I say we are entitled to take it for granted that this bill embodies what the colonial churches seek. (Hear, hear.) Was any protest ever made against that bill? The honourable gentleman tells us that one reason for the rejection of the bill in the House of Commons was that no desire for it had been expressed by the colonial Legislature. Suppose then, with the knowledge of all that has transpired, we were to send over this address, would not the natural conclusion be (unless it were clearly stated otherwise,) that this Legislature favoured the bill that had passed the Lords and was thrown out in the House of Commons? Of course it would. (Hear, hear.)³⁷

MR. CAMERON.--No, no!³⁸

((MR. BROWN continued:)) He had no objection whatever to the address if it were worded in a different manner.³⁹

MR. CAMERON proposed some change of words which we did not catch and asked if that would do?⁴⁰

MR. BROWN.--No.⁴¹

MR. HINCKS.--What will do? What does he want.⁴²

MR. BROWN.--What he wanted was a declaration that there should be no connection between any church here and in England.⁴³ It is not a point to be undecided upon; and I think it must be abundantly manifest to the House, that the adoption of the resolution before us would be virtually an acknowledgment that there is a connection between the Church of England here, and the Crown of England. (Hear, hear.) After passing a solemn declaration, only this session, that Church and State shall be completely dissevered in Canada--and after devoting, to that end, the Clergy Reserves to secular purposes--would it not be completely stultifying ourselves to pass an address recognizing a connection between the Church here and the State in England, which, for thirty years, has been disputed, and always resisted, by the Reformers of Upper Canada? (Hear, hear.) The hon. member for Toronto read us extracts from speeches delivered in the House of Commons when this question was under discussion, and he said that the liberal members of that body--even Mr. Joseph Hume--had spoken in favor of the measure. Now, Sir, I did not know that this question was coming up tonight, and I have had to submit such arguments as occurred to me on the moment; but while the hon. gentleman was speaking, I borrowed the ... volumes of Hansard, which were before him, and so far from finding any approval of the measure by liberal members of the House of Commons in the debate, I find the strongest condemnation of it. (Hear, hear.) Let me read some extracts. Mr. Napier, member for Dublin University, and formerly Attorney-General of Ireland, said--

"He was quite ready to agree to a declaratory enactment, that the Act of Henry VIII, did not bind the colonies, if any doubt existed on the subject, though he had certainly never heard any lawyer insist that in his opinion that Act did extend to the colonies."

Mr. Joseph Hume said--

"He thought the simple mode of dealing with the matter would be, to repeal any Act that was calculated to inflict a grievance upon the colonies. Let them look to what had taken place in Canada; and were they, he asked, about to create in the other colonies the same grounds of discontent that had formerly existed in that colony?"

Mr. Ellice, member for Coventry, and well known in Canada, spoke as follows, and he (Mr. B.) would call particular attention to it:--

"He could not conceive the use of this bill. If there was any statute which interfered directly with the power of any colonial Church, whether in communion with the Church of England or any other body, to regulate its own affairs, the simplest course would be to repeal the statute, and then the House would know what it was about; but he had seen the results, half a century ago, of attempting to set up the Church of England in an exceptional position in the colonies; and this convinced him of the impolicy of any such legislation as this, with the

view of extending the influence of the Church in the colonies. It was said that the Church in the colonies only wished to have restrictions removed, which prevented it from doing what other sects could do; but the answer to that was, place the Church of England on an equal footing with the other Churches in the colonies, and it would not require any more assistance from the Legislature than those other Churches did."

Mr. Thomas Chambers, member for Hertford, and a distinguished lawyer, said--
 "He would now ask the hon. and learned gentleman whether, after the passing of this bill, if it did pass, the United Church of England and Ireland in the colonies would be a free or an established Church--or whether this was not an attempt to effect an impossible, or if not impossible, yet a most disadvantageous compromise between the two? ... If it were a free Church--if it were a purely voluntary association--then the bill must be altogether unnecessary.... If the bishops and clergy in the colonies were bishops and clergy of the United Church of England and Ireland, within the meaning of the statute, nothing could be so unwise and impolitic as to remove the restrictions.... For his part, he did not consider that the United Church of England and Ireland was wanted in the colonies. They might have their bishops--they might have their Episcopal Church there if they pleased; but let that Church be independent--an integral native Church, owing only that kind of affectionate allegiance to the United Church of England and Ireland which was due to the institution to which it owed its existence."

Mr. Miall, member for Rochdale, and the able Editor of the Nonconformist, said--

"If there was no connection between the Church of England in the colonies, and the United Church of England and Ireland, then there could be no reason why they should not most gladly give her all the license she required; but it was because there was a political tie and connection between the two Churches that this measure was required; and the bringing forward of this very bill showed that it was wished to maintain that connection, otherwise the Church of England would already have all the liberty which the voluntary sects enjoyed."

The bill was introduced by the Solicitor-General of England, and he begged the House to hear what he declared to be the intention of the measure, and to compare it with what they had heard to-night:--

"He begged the right hon. gentleman (Mr. Ellice) to observe that it would not be competent by any bill of that House to repeal the statute of Henry VIII., with respect to the colonies, without cutting the colonial Church altogether adrift. Did they mean to say that they would sever it from its connection with this country? Did they mean to say they would, by a breath, alter the whole of the statute, and give it a perfectly different status and character? It was an emanation of the Church of England, and was established as part of it, in connection with the Crown; and were they going to alter that? That was a large question; and let hon. gentlemen, if they pleased, bring it forward; but this bill proceeded on the established state of the law, and could not, by any possibility, introduce any object so general, wide, and universal, as that which appeared to be in the mind of the right hon. gentleman. He (the Solicitor-General) asked to leave the Colonial Church in all its integrity as part of the United Church of England and Ireland. He desired to leave it in connection with the Crown, and to leave the supremacy of the Crown intact in respect to that Church; and he believed that also to be the desire of the Bishops and Clergy of the several Colonial Churches."

Was there any ambiguity here? (Hear, hear.) None whatever. But we have stronger evidence still. Mr. Dunlop, member for Greenock, and legal adviser of

the Free Church of Scotland, moved to strike out the words "metropolitan of any province, or the bishop of any diocese," from the bill, and insert the words "bishops and clergy." In moving his amendment, he declared that the Church Establishment did not extend to the colonies, and that his object was to "prevent the bill from conferring a status which did not now legally exist." Had nothing more been sought than the removal of disabilities, would not this amendment have been at once accepted? It was, however, attacked by all the advocates of the Colonial Church claims, and thrown out. Let me read from some of the speeches on Mr. Dunlop's amendment. Mr. Henley, the conservative member for Oxfordshire, said that--

"The amendment of the hon. and learned member (Mr. Dunlop) raised the question whether they were to treat the Church in the colonies as an integral part of the Church of the kingdom, or whether they were to treat it as forming an Episcopal Church in communion with our Church? He thought they should treat it as it was--as part and parcel of the United Church of England and Ireland, and that they should, therefore, not adopt the amendment, which would alter its whole status."

Sir John Pakington, a warm advocate of the measure, said--

"This matter ought not to be trifled with. It involved the very highest considerations to the Church in the colonies, and he would not part with one iota of what he believed to be the principle at stake. The amendment went to strike, by the most direct implication and influence, at the authority of the Church of England and Ireland over the Church in the colonies. The result of the amendment would be two-fold. First of all, it would go to negative the existence of dioceses in the colony; and the next result would be, that instead of speaking of the Church as the United Church of England and Ireland, the Episcopal Protestants in the colonies would be spoken of as being members of the Church in communion with the United Church of England and Ireland."

Mr. Kinnaird suggested that "the whole matter should be left to the colonial legislatures;" and I pray the House to mark the reply to the proposal:--

"Sir John Pakington wished to say one word, in order to remove the fallacy under which the hon. gentleman who had last addressed the Committee laboured, of leaving this question to the colonial legislatures. Those who were conversant with the colonies knew very well that the colonial legislatures would not touch this question at all."

Sir George Grey thereupon rose and said "he thought they were invited to legislate on this question, because the Colonial Churches laboured under disabilities which only an Act of Parliament could remove. But it now appeared, according to the right hon. Baronet opposite (Sir J. Pakington), that they were asked to legislate only because the colonial legislatures would have nothing to do with the question."

And I will conclude my extracts with one from the speech of Mr. J.G. Phillimore, the distinguished Queen's Counsel. He said--

"The hon. member for North Staffordshire (Mr. Adderley) said he was for the bill, because the colonial legislatures would never consent to it if that House did not. This was precisely the reason why that House should not pass it. It was said that the Church only wanted to be put upon the same footing as the Dissenting bodies; but those who used this argument forgot that, by the preamble of the bill, power was sought to enforce 'rules and regulations.' The Wesleyans had not this power. These words being used, he wished to ask whether there would be an ecclesiastical tribunal established to enforce the laws so made? and also whether, if power was given to enforce them, the argument was not got rid of, that the Church and the Dissenting body would be placed on the same level?"

After hearing such sentiments from members of the House of Commons, he felt persuaded that no liberal member, at least, would support the address. It was asking the Imperial Parliament to interfere in the local affairs of the Province; it was acknowledging an inability to legislate on the part of the Canadian Parliament, which ought not to be acknowledged; and it was recognizing the dangerous doctrine, that the Established Church of England was the Established Church of Canada. He was sure the House was not prepared to admit any one of these propositions. Every one would desire to see the Church of England in Canada freed from every disability that trammelled her progress--and clothed with ample power to regulate her affairs; but the House would be unfaithful to its trust if it recognized her in a different light, as holding a higher position than the other religious bodies. (Hear, hear.)⁴⁴

MR. LANGTON said the hon. member for Lambton (sic) was always harping on our being a part of the Province of Canterbury. That was the very thing the church of England here did not want to be.⁴⁵

MR. BROWN.--Say so then.⁴⁶

MR. LANGTON.--They did say it intelligibly enough to any one who was willing to understand.⁴⁷ ((He)) ridiculed Mr. Brown's interpretation (sic) of the clause about canons. If there were anything in what he stated the Houses of Parliament in England were prayed to frame canons not for the government of the church in Canada; but for the guidance of the Imperial Government since it was for "their own" Government, that they were asked to frame them. It was clear that the address had no such meaning, that it merely asked for the removal of the obstructions which prevented the members of the church in Canada to frame canons for their own guidance.⁴⁸ ((He)) denied that the definition of the hon. member for Lambton, of the resolutions was correct, and was sure that there was not another hon. member in the house would put the same construction on them. He pretended to know what the hon. member for Toronto wanted better than the hon. member himself. If the hon. member for Lambton confined his arguments to the resolution instead of reading these long speeches and taking up the time of the House it would be preferable.⁴⁹ It was easy to say, break your connection with the Church of England, but they venerated that church and still desired to retain its name. Even that church to which the hon. member for Lambton belonged, although they had separated themselves from the Church of Scotland, still loved the name. They could not forget that they were the disciples of John Knox, and they claimed to belong to the Free Church of Scotland.⁵⁰

MR. BROWN.--They call themselves the Presbyterian Church of Canada.⁵¹

MR. LANGTON.--That might be their new name, but they were best known by the other. In the same way he for one had no desire to leave the Church in which he had been brought up, but he desired that its management in this colony should be put in the hands of Canadians themselves.⁵² The hon. member for Lambton's doctrine, that we would not belong to the Church of England--that we may adopt another religion and call ourselves the Episcopal Church of Canada--was as valueless as the other arguments which he attempted to insinuate; and he was certain that a large majority would show when the vote was taken, that this House felt that those Imperial Statutes interfered with the liberties and rights of the members of the Church of England in this Province, and would give them

assistance to have them respected.⁵³ He would have thought that a proposition like this would have met the support even of those who were in favour of the voluntary principle. Those who afterwards formed the Free Church of Scotland had themselves year after year gone to the Imperial Parliament, praying to be relieved from the disabilities under which they laboured, and not till they had been often dissatisfied (sic), did they finally leave the church. It was a noble sight when the clergy of that church after having exerted all their efforts to bring about the reformation they desired in a legal way, threw up their earthly possessions, and prospects, and walked forth from their Assembly Hall to throw themselves on the generosity of their flocks.⁵⁴ So it was a noble sight when the Britains left their homes and connections in England for conscience sake to serve God in the wilderness of the new world. But there was nothing noble in the spectacle of these same puritans, becoming soon after the most persecuting of all churches. He hoped the Free Church of Scotland was not about to act like Puritans; but he greatly learnt from some indications which he observed, that religious liberty with them meant to do just as they liked themselves, and to force other people to conform to their views.⁵⁵

MR. HINCKS said he had great satisfaction in supporting the motion of the hon. member for Toronto. He had peculiar satisfaction in supporting it, because it had fallen to his lot in former times during the period he had been in public life to have been opposed to what he considered the dominant position of the Church of England in this country. He had been opposed on principle to that church occupying any position of superiority, but he trusted that on all occasions when the Church of England had asked from this Legislature equal rights, he had always been ready to give her his cordial support, as he should do on the present occasion. There was no use of blinking the real question before the House. It was simply this, whether the member for Lambton, not being a member of the Church of England, being conscientiously opposed to the Church of England, should be allowed to prevent its members from having that organization which they themselves desired to have. (Oh! Oh!) It was a curious circumstance, as contrasted with the position of the member for Lambton, that the opposition to the Bill in the House of Commons had come, not from members of Dissenting bodies, but from members of the Church of England themselves, and from that party in the Church of England who were most anxious to perpetuate the connection between Church and State. The position of the Church of England in England in these latter days had come to be a very anomalous and extraordinary one. It was perfectly well known that there were a very great number of the members of the Church of England, who were conscientiously most anxious that there should be a separation between the Church of England and the State and that the political influence of the House of Commons should be brought to bear to a less extent on the Church. The House of Commons being now open to persons of all religious denominations, it might so happen that in course of time there might be in the House of Commons a strong party imbued with hostile feelings to the Church of England, and within the last twelve months they had had an illustration of how a political influence might be exercised over that church by parties not belonging at all to her communion. The late Prime Minister of England, who exercised the largest amount of patronage in the Church of England, was himself a member of ((the)) Church of Scotland. The individual with whom the very nomination of the Bishops of the Church of England rested, was a member of a different church altogether. Owing to those circumstances it so happened that a large section of the Church of England wished the connection between

Church and State dissolved, while the Liberal party were anxious to keep it up, desiring to use the power of the State to exercise an influence over the Church of England.⁵⁶ It was pretended that these persons desired an expression of opinion from the colonies themselves; but he believed this was rather a pretext than anything else.⁵⁷ The member for Lambton argued that all voluntaries were opposed to any kind of connection between the Church of England and the State, but he (Mr. Hincks) considered that that was a question with which voluntaries had nothing to do. And if the Church of England in this colony desired to remain connected with the Church of England in England, connected as that was with the State, he did not think that voluntaries here had any more right to interfere with it, than they had to interfere with the connection of the Presbyterian Church here with the Church of Scotland. This was a matter with which the Legislature should not interfere, but it was for the members of the Church of England themselves to determine the extent of the connection they were to have either with the Crown, or with the Church of England in England, or with the Province of Canada. But when it was stated by any number of their fellow subjects here that there were Imperial Statutes standing in the way of managing their own affairs, he maintained that it was their right and their duty as a Legislature to assist them in having those restrictions removed. The hon. member for Lambton claimed on behalf of the voluntaries of this House to dictate to the members of the Church of England what they should and should not demand. He (Mr. Hincks) maintained that it was the right of the members of the Church of England in this country to say that, in electing their own Bishops, they would require also to have the concurrence of the Crown, and it would be⁵⁸ a gross act of bigotry and tyranny⁵⁹ and oppression for this Legislature to say--"you shall elect them just as we please." He maintained that that was a question with which this Legislature had nothing whatever to do. Certainly, this Legislature had nothing to do with it, and all that they were to ask now was the repeal of the Imperial Statutes which imposed disabilities on the Church of England.⁶⁰

A Voice.--"More than that."⁶¹

((MR. HINCKS continued:)) He (Mr. H.) did think that a more reasonable request could not have been preferred to this Legislature, and the member for Lambton had said nothing to justify their refusing it. That hon. member admitted that the Church of England should be relieved from disabilities, but he went farther and dared to lay down the monstrous proposition that he and those who thought with him were entitled to prescribe the manner in which the Church should exercise the powers entrusted to her.⁶²

MR. BROWN.--No! I am not seeking to meddle in this matter at all. It is the hon. gentleman and his friends who are forcing it upon us.⁶³

((MR. HINCKS:)) If the member for Lambton did not want these statutes repealed he ought to be consistent to move for their repeal in England as was done in the case of the Clergy Reserves and then re-enact them by Provincial authority.⁶⁴ ((He)) said the Church of England was simply asking the assistance of the Legislature to get certain Imperial Acts repealed, which were pronounced by competent authorities to stand in the way of her exercising the powers which she ought to enjoy. It was not absolutely necessary that this assistance should be given, for he believed they could get what they wanted even if this Legislature did not pass the address. (Hear, hear.) But he thought they had a right

to come to this Legislature--it was only justice they claimed--and it was most ungenerous on the part of those belonging to other denominations to interfere with their getting it.⁶⁵

MR. POWELL was glad an opportunity had been offered to bring out the spirit of intolerance by which the member for Lambton was influenced. Not satisfied with⁶⁶ tearing down the connection between Church and State in this country, and destroying every vestige of Church property and everything that had hitherto been held sacred,⁶⁷ he reared a standard, and anathematized all who did not come up to that standard. The member for Lambton had raised a false issue, and thus, by the foulest means--he used the word advisedly--he sought to mislead the opinion of the House. The church came to the Legislature, because by this means they would more likely succeed. He hoped no man, except the member for Lambton, and the "Praise-God-bare-bones" characters with whom he acted, would oppose the motion.⁶⁸

MR. CHRISTIE said he should make no reply to the remarks of the hon. gentleman who had last spoken, for they were beneath contempt.⁶⁹ (Hear and order.)⁷⁰ He should state, however, his reasons for opposing this resolution and the address proposed to be founded upon it.⁷¹ The late Inspector Gen. had given the best of all reasons why the House should not interfere in this matter--that was because the connection of the Church in Canada with that in England was a purely religious connection.⁷² It was above and beyond their jurisdiction. (Hear, hear). What was it they were called upon to do? They were asked to enter into the dispute which the member for Renfrew had shewn to exist between the Church of England in England and the Church of England in Canada--a dispute as to their forms of Church Government. And what right he would like to be told, had this Legislature to interfere in a dispute of that nature? He cared nothing for the libel which had been cast on the voluntaries in this House by the hon. member for Renfrew. He (Mr. Christie) had been called an enemy of the Church of England, but he altogether disclaimed any such imputation. He was no enemy of the Church of England, but at the same time he would assert and maintain that this Legislature should not be called upon usque ad nauseam to legislate on ecclesiastical subjects; as a Legislature they had nothing to do with these matters. He wished the members of the Church of England to enjoy to the full their religious principles? But was there any difficulty in the way of this, caused by the law of this country? If there were any Provincial Statutes interfering with those privileges, then they would be entitled to call on the Provincial Legislature to repeal those Statutes. But nothing of the kind was pretended. In going into this question they were called on to determine matters of Church Government with which they had no right to interfere, and on that ground he should vote against the address.⁷³

MR. BROWN asked for a separation between Church and State. Canada was only a part of the diocese of Canterbury, while no connection ought to exist in this colony with any Church of England.⁷⁴

MR. HINCKS would ask a question. Suppose there existed an imperial act imposing disabilities, would it not be proper for this House to interfere?⁷⁵

MR. CHRISTIE.--No such act could exist and if it did exist, the members of the Church of England should repudiate connection. This legislature had nothing to do with it.⁷⁶

MR. S. SMITH (Northumberland) said the whole thing amounted to this, that as a Legislature they were asked to mix themselves up in a family quarrel without any necessity for it. He knew very well that his constituents had not sent him here to discuss whether the Church of England in this colony laboured under disabilities or not, or whether it had a right to manage its own affairs or was managing its own affairs rightly or wrongly. He was not sent here to ... decide such questions, but his constituents expected him as much as possible to avoid Legislating on ecclesiastical or sectarian questions. He should therefore vote against this address, and he should feel the more confidence in doing so, when he saw that it was supported by the same gentlemen who always took a lead in such matters--the hon. and learned member for Toronto (Mr. Cameron), the member for Missisquoi, (Mr. Ferres), the member for Carleton (Mr. Powell), and the member for Sherbrooke, Mr. Felton. Not a Liberal member of this House had spoken in its favour except the hon. member for Renfrew, (Mr. Hincks) but for the same reason that the member for Renfrew advocated the measure, he (Mr. Smith) opposed it. The member for Renfrew said they had nothing to do with the quarrel, and that they had no right to say the Church of England should not get rid of those disabilities. He (Mr. Smith) said the same, and because he wanted the House to keep out of the quarrel, he opposed this address. In the motion of which the hon. member for Toronto gave notice, he wanted the House to recognize the supremacy of the Queen. In the notice he asked that they should be enabled to proceed to the election of their own Bishops, "subject to confirmation or rejection by Her Majesty or her successors." These words were struck out from the present resolution, but it was only fair to infer from those words what it was that he really wanted. The hon. member for Toronto talked about the Church of England colony of Victoria. He (Mr. Smith,) believed that passing this resolution would stamp this Province as the Church of England colony of Canada, and he should therefore vote against it without the least hesitation.⁷⁷

MR. J. MORRISON (Niagara,) as a Reformer, felt bound to support the resolution, because he thought it a liberal measure. Suppose the penal Acts, of Henry the Eighth((h)), and Elizabeth, against Catholics, which were really laws of this Province, were in point of fact injuriously to affect any of our fellow subjects here, all would agree in asking their repeal by the Imperial Parliament. But those Statutes referred to in the resolution before the House were just as much the laws of this Province, it having been decided that Canada did form part of the diocese of Canterbury.⁷⁸ Court of Queen's Bench⁷⁹ in Upper Canada had recently held that these acts were in force.⁸⁰ He considered therefore it was the duty of members of this House, especially those professing Liberal opinions, to assist in relieving the Church of England in this Colony from the disabilities under which she laboured.⁸¹

MR. CHAUVEAU would vote for the address as one rendered necessary for the purposes of religious freedom. There seemed to be two ideas as to religious freedom in this country, one was that each church should have the right to organize itself and manage its own affairs in whatever manner it pleased--the other that the Legislature should ignore religion altogether. He could not agree to that latter view of the case. He thought it was the duty of the state to protect all churches in their rights, for religion⁸² existed not only between God and man, but between man and man, and as an institution which brought man into relation with man might be made the subject of human legislation.⁸³

MR. MACKENZIE said the Bill which had been referred to had been introduced into the House of Lords by the Archbishop of Canterbury, and who had ever heard of an Archbishop of Canterbury being in anywise in favour of separating Church and State, as the hon member for Renfrew would have the House believe the Bill was carried triumphantly through the Lords, but when it came down to the Commons, where went it? It seemed that it required some wind from the bellows of this House to carry it through. The member for Northumberland had made a remark which he (Mr. M.) was just preparing to make, about how clever and shrewd it was in the member for Toronto to strike out of his resolution what he had in his notice, in which he let the cat out of the bag, that although certain parties here might elect their Bishop he wanted the Queen in council to confirm it. The catholics of Ireland, in standing up boldly against the claim of any potentate out of their own Church to nominate their Bishops, had acted more liberally than the member for Toronto would do. But who had ever heard of a Liberal measure, as regarded either Church or State, coming either from Bishop Strachan or from the hon. member for Toronto? The hon gentleman said they did not want to be separated from the Church of England, of course not. But they wanted 300,000L or 400,000L of hard cash out of the people of Canada, and to remain in a position, in which, by getting the Queen to confirm or veto their nomination of Bishops, they would be able to cry out that they Comprised all the loyalty of the country.⁸⁴ The object of the resolution was not simply to get disabilities removed, but to give the Queen of England the power to veto the election of a bishop by the people here.⁸⁵

A member.--"She appoints them altogether now."⁸⁶

((MR. MACKENZIE continued:)) The power might be very well in the hands of the present Queen, who was a pattern for all monarchs in the proper discharge of her duties, but would it not be absurd to vest such power in the hands of such another monarch as George the IV. The member for Brant had said nothing but what was perfectly tolerant and just towards the Church of England. He could not but suspect a motion of this kind, emanating from the hon. and learned member for Toronto, whose whole life had been marked by intolerance of the religious opinions of all out of the pale of his church, and by endeavors to build that up as the dominant church in the country. He next referred to the difficulty in the Catholic Church in Buffalo, where the bishop had absorbed all the power, and had excommunicated all those who dared to assert their rights after a decision against them by Cardinal Bedini.⁸⁷

The hour of adjournment, six o'clock, having now arrived, the hon. member had to suspend his speech. When the House resumed at seven,⁸⁸

MR. J.S. MACDONALD (Glengary) said he had understood from the hon. member for Toronto that there were petitions before the House praying for the address. He found that this was not the case, although there was a petition from Bishop Mountain, on behalf of the clergy and Laity of the diocese of Quebec, asking this Legislature to enact a statute giving their rules and canons the effect of law, in so far as the members of the Church of England in that diocese were concerned, which was a very different thing from asking the House to pass this address.⁸⁹

MR. CAMERON.--I did not say there were petitions on the subject of the address but on this subject.⁹⁰

MR. J.S. MACDONALD said that such being the case, the House were called upon to pass an address, without any evidence before them in the shape of petitions, that the members of the Church of England themselves desired it.⁹¹

MR. MACKENZIE then continued his remarks, which had been interrupted by the adjournment. He thought he had heard the learned gentleman who introduced this motion say there were 200,000⁹² petitions.⁹³

MR. CAMERON, so there were.⁹⁴

((MR. MACKENZIE continued:)) This wide world might be searched over, before the seventh of that number could be found in favour of such a measure. And as to 200,000 members of the Church of England petitioning for it, there was not a more liberal body of men on the face of the earth than the Episcopalians of Upper Canada. (Hear, hear.) He liked their creed. He liked the people. At the same time they were like some others--they had a clergy who wanted to make themselves independent of their congregations (sic). But, instead of 200,000 petitioners, it appeared now that not one solitary human being had asked the House of Assembly for this measure, except the learned member for Toronto, who was well known to represent the Puseyite principles of Bishop Strachan. He thought the Imperial Parliament had acted very properly in throwing out the Bill. If those gentlemen wanted to meet in their Synods, who was to hinder them. Did not the Methodists meet in their Conference, and the Presbyterians in their Synods? They required no Act of Parliament to entitle them to do so, and why should the Church of England. But there was something more behind the screen. The Church of England Clergy were about to get a large sum, 300,000L or so--and he had no doubt the gallant knight would give them enough. Now he was told that as matters stood at present they were afraid they had not the power to give the whole of that money such a turn as they would like to give it. They wanted power to pass rules and canons of their own, which would have all the force of law, and then how nicely would they fix the commutation. (Hear, hear.) He objected to their doing anything which would place the Church of England in this colony on a more favoured footing than any other denomination. Their object should be to make Canada the home for people of every creed, to which they might flee as a refuge from the civil and religious oppression under which they laboured in the old world. Let every one feel that here he will have liberty of conscience, and that, whether belonging to the largest or the smallest sect, he can stand up and feel himself the equal of every other man.⁹⁵

MR. PROV. SEC. CARTIER.--Question! question! Carried! Carried!⁹⁶

MR. MACKENZIE said he had at one time been near getting a hempen necklace by following the guidance of the Secretary of the Province, who now cried "Carried," in one direction and he was not disposed now to follow him in the other direction. (Hear, hear, and laughter.)⁹⁷ If the measure passed in this house, he was satisfied from what he knew of the British House of Commons, it could not pass there.⁹⁸ When he (Mr. M.) first came to this country, there was no word of connection between Church and State then. When he went to Dr. Strachan's Church in Toronto, he was then only a Missionary, and used to preach a good Presbyterian sermon to them in the afternoon, as they had no minister of their own. (Hear, hear and laughter.) But now it was all Church and State, and the member for Toronto said he did not want to break up that connection so far as the

Church of England in Canada and the Crown of England were concerned. He (Mr. M.) never doubted it. (Hear, hear.) The present Ministry were a combination of the High Church of England, and the Church of Rome, and he was not surprised at their supporting this measure of the hon. member for Toronto. The hon. member for Peterborough (Mr. Langton) praised the Scotchmen who for the sake of principle left their manses and their stipends, and trusted themselves to the God of their fathers, and the generosity of their flocks. He said he honoured them for it, and so did he (Mr. M.) But was it not the interference of the State in what only concerned the Church that had caused that Disruption? (Hear, hear.) They talked about the disabilities of the Church of England in this Colony. There were no disabilities. They had got along well enough for the last 60 years, and all that the Clergy now wanted was power to manage the Commutation money. (Hear, hear.) He opposed the measure because he was, as he had always been, a friend of equal rights to all. Eloquent as was the language of the hon. gentleman who had brought it forward, he could not see that there was any thing to recommend it, and he could have wished that he had expended his eloquence and ability in a better cause. (Hear, hear.)⁹⁹

DR. CLARKE asserted, as a churchman, that nine-tenths of the members of the Church of England in the province, notwithstanding what had been said by the hon. member for Northumberland, were in favor of this measure and ardently desired it. That hon. member had said that they were not there to legislate on such subjects. What! a large number of his constituents were deprived of their religious freedom and privileges, and it was not his duty to use his legislative powers to get those disabilities removed? He considered it to be clearly the duty of that House to secure for members of the Church of England, as for all other denominations, full power to exercise their religious duties as freely as any one else in Canada, and demand the concession of equal rights to them from the Imperial parliament.¹⁰⁰ ((He)) hoped that this Legislature would not, by denying them their rights, compel them to raise the standard of rebellion against the Parliament of England.¹⁰¹

MR. GALT thought this measure was to be regarded in two aspects--first with regard to the demand itself, and secondly with regard to the mode of asking it. He believed the Church of England had been placed in a false position by the agitation regarding the Clergy Reserves, which had excited a prejudice against her in the minds of many. He thought it was the duty of the House, after depriving that Church of any undue advantages respecting endowments, that when it came before parliament for the first time and asked for a liberal measure, such as he considered this to be, to grant it. He believed this such a measure as should recommend itself to the mind of every liberal man, who professed to be willing to accord equal rights to all men, and instead of being opposed as a church and state proposition, should be hailed with satisfaction as a movement by the Church of England to cast off state shackles, and place itself on an independent footing. A great many of the points raised against it, by the member for Haldimand and others, were mere idle bugbears. He would not attempt to notice or answer all of them, but to take one for an example of the value of all of them,--the veto given the crown as to the bishops elected by the synods. Why what was sought was not to extend the power of the crown, but to take away the power it now held of appointing bishops, and sending them out here without giving the clergy and laity in this country any voice in the matter. Yet this

was made a ground of opposition on the part of liberal members! This must surely be recognized as a step in the right direction, though it might not go so far as the hon. member for Haldimand desired. As regarded the mode of proceeding he held that if there were difficulties in the way of the members of any church in the province, obstacles placed in the way of their free action, they were bound to lend their efforts to get them removed. He was decidedly in favor of the motion. He could not entertain the fears that some hon. gentlemen expressed of a lurking intention, on the part of the mover and supporters of this resolution, and the applicants for Imperial legislation, to procure such enactments as would secure to the Church of England any dominancy in the province, for he was satisfied that any legislation in England would be made subject to their revision here. If any act of the nature apprehended was passed in England, it would be the signal for a dissolution of the connection between this province and the mother country, and they were aware of that fact there. To refuse the assistance of the House in a matter of this kind to a large body of christians, whose proceedings in synod shewed they desired the fetters that now bound them to be removed, would be to treat them most unfairly.¹⁰² It should be no reproach to members of the Church of England that they desired to keep within the law of the land.¹⁰³

MR. PROV. SEC. CARTIER said the Imperial statutes were undoubtedly the law of the land, and nothing was more proper and just than that the parliament of the country, seeing that they restrained the freedom of a religious body within the province, should take the necessary action to have them repealed. These enactments were now law here, and could be enforced against the members of the Church of England by any person, whether a member of that church or not. The Canadian parliament should show they desired these enactments to be repealed, as they would undoubtedly repeal them if they were provincial acts.¹⁰⁴ If the parties contented themselves with simply petitioning the Imperial Parliament, it might be very reasonably urged there that they should not proceed to repeal what was the law of Canada, without receiving any communication from the colonial Legislature on the subject.¹⁰⁵ The proposition was only to give the English Church here in Canada the same freedom which it enjoyed in the United States. The hon. member for Haldimand had given notice in the beginning of the session of a measure to dissolve the connection between the R.C. Church in this country and the Pope. How could he consistently refuse to take this step towards doing away with the connection between the Anglican Church here and the Sovereign or Archbishop of Canterbury in England. Or if either party desired and deemed their duty, while severing all state connection, to maintain a connection with the heads of their respective churches as a matter of church discipline, what right had the hon. member for Haldimand to interfere with that church discipline against the wishes of the members of those churches themselves?¹⁰⁶

MR. HARTMAN should have had little difficulty in voting for the resolution which, upon the face of it, seemed to him a reasonable one, but for the admission of some of the hon. members who supported it. He was as sound a voluntary as the hon. member for Lambton himself he believed, but he could not follow that gentleman in all the extremes he went to in some of these matters. He would go so far with the resolution as to ask for the removal of any disabilities under which members of the Church of England now labored. There had been a constant struggle going on, as long as he could remember, for the removal of disabilities under which other denominations had labored in Upper Canada, and he could not be afraid of being accused of inconsistency if, as a voluntary he voted for the

removal of disabilities from the Church of England, though he did not admit any necessity for this course. There were no disabilities under which the Church of England labored which might not be removed by its members voluntarily dissolving their connection with the church in the mother country, and acting independently, as had been done by the Protestant Episcopal Church in the United States.¹⁰⁷ But if they desired to continue their connection with the Church of England in England he had no objection so long as that did not involve a connection between Church and State. He did not understand them to claim a connection with the State in Canada.¹⁰⁸

MR. CAMERON.--We do not.¹⁰⁹

MR. HARTMAN proceeded to say that there were one or two points connected with this matter, which he would like cleared up. He understood one hon. member to say that the passing of the Bill by the Imperial Parliament, as prayed for in this address would still leave any action taken by the Church of England in this country, subject to the control of this Legislature.¹¹⁰

MR. CAMERON.--Distinctly.¹¹¹

MR. HARTMAN.--If that be the case, he decidedly objected to it. He did not want this Legislature to have anything to do with the Church of England at all. They have nothing to do with legislating on matters that affected the spiritual interests or ecclesiastical affairs of any Church, further than to secure to all the right to worship God according to their own consciences. He was quite willing to assist the church of England in getting the removal of any disabilities under which she laboured, but when he looked closely at this resolution he found that it went further than that.¹¹² He understood that the hon. mover also asked a direct enactment by the Imperial parliament, authorizing the election of bishops by the clergy and laity of the Church of England in this province, subject to the veto of the Sovereign.¹¹³ He maintained that no human legislature had a right to authorize them to do so. There was a higher law from which they could take their authority in that matter. (Hear, hear.)¹¹⁴ Now to this he objected, because it was recognizing a power in the state, as represented by the Imperial parliament to regulate the discipline of a religious body in this province, and tended to recognize by the provincial as well as the Imperial parliament, the connection between that church here and the head of the state. He would support the resolution, if that part of it were struck out. Canada now occupied a position in many respects of which he as a Canadian, felt and of which every Canadian should feel proud. He desired to see her occupy the very highest position in this matter also, by securing a complete separation between church and state.¹¹⁵

MR. FOLEY would oppose this resolution, and in doing so he could not be accused as the other opponents of it had been of hostile feelings towards the church of England, for he was a member of that church and venerated her as much and as sincerely as the honorable and learned member for Toronto himself. He should vote against it on two grounds because they had no right by legislation to meddle with the internal administration of any church, and because he believed the legislation sought would be most prejudicial to the interests of the church herself.¹¹⁶ Nor did he believe that the members of the Church of England generally desired this measure. He asserted that no body of christians

in this country were less disposed to connect themselves with the state or to submit themselves to the trammels of legislation in ecclesiastical matters by human authority than were the members of the Church of England generally. And more than this, he would say that no body of Christians in this country were less disposed to place in the hands of an irresponsible power an authority which might be used to their own disadvantage than were the members of the Church of England generally.¹¹⁷ The Bishops had already too much power, as was evidenced in the Bishop of Toronto issuing a circular forbidding his clergy to meddle with such matters when the clergymen at Packanham had spoken in defence of order, by defending the Governor for his course on the Rebellion losses bill.¹¹⁸ He believed it would be injurious to the interests of the Church of England herself to place the powers asked for in the hands of the Synod as it was now constituted, in which the representation of the laity was far more nominal than real. That Synod, he maintained, did not speak the true sentiments of the Church of England generally throughout Upper Canada? Was it not notorious that in their opposition to the Secularization of the Clergy Reserves, they had not spoken the sentiments of the 200,000 members of the Church of England in Upper Canada? If they had, would so many members of the Church of England in this House have voted for secularization? Was it not the case that the majority of the Liberal members of this House were members of the Church of England? What was to prevent their meeting in Synod at present? The fact was that they had done so, and had already met in Synod without the removal of those disabilities.¹¹⁹

MR. HINCKS (Ironically) Hear! hear!¹²⁰

MR. FOLEY.--The hear, hear of the hon. member for Renfrew reminded him of the origin of this whole matter. Till recently there never were any difficulties between the Church of England here and in England. But those who had been in the habit of reading religious newspapers connected with the Church of England must have seen what discussions and strifes there had latterly been in Upper Canada, in consequence of the proposed organization of a new diocese. And what had led to the difficulty? The fact of its being generally reported that the Rev. Dr. Hincks was to be appointed Bishop of one of the new dioceses. (Hear, hear.) That matter and others of a similar character had led to the outcry and the dissensions which had at length resulted in the demand now made on the House. (Hear, hear.) To learn the precise effect of this resolution, they should look to the petition which had been presented on behalf of the Clergy and Laity of the Diocese of Quebec. This petition asked the House to make a statute, under which the rules and canons to be framed by the Synod of the Diocese of Quebec should be recognized as having the force of law. (Hear, hear.) The member for Toronto said his resolution included everything, for it asked the Imperial Parliament to remove disabilities, and substitute something else which he did not present to the House, but what that something else was they found out from the petition. (Hear, hear.) Were it on that ground alone, he should refuse his acquiescence to the resolution, until he was first furnished with an abstract of what those rules and canons were to be.¹²¹

MR. HINCKS.--(Ironically) Hear! hear!¹²²

MR. FOLEY.--I remember the time when the hon. member for Renfrew would have done the same thing.¹²³

MR. HINCKS.--No, never!¹²⁴

MR. FOLEY.--Then I remember the time he would have professed to do it.¹²⁵

MR. HINCKS.--No it is not true.¹²⁶

MR. FOLEY said it was at all events a curious circumstance that this demand had not been made on the House when the last Administration was in power. Those who made it knew very well that the Liberal supporters of that Administration would have thrown it out, but they calculated on having a better chance of carrying it under the present Administration. He (Mr. Foley) claimed to be as ardently attached to the Church of England as was the hon. member for Toronto, and a great deal more so than the hon. member for Renfrew. But he was not in favour of placing the Church in a position in which its members could be tyrannized over by a body composed of the Bishops and Clergy and a few laymen chosen at vestry meetings under the influence of the Clergy. Such a measure was not desired by the members of the Church of England themselves, and so far from there being nine out of ten in favour of it as had been asserted by the member for Wellington (Dr. Clarke) he believed that, if they could be polled there would be a majority of ten to one against it. On these grounds he felt bound to oppose the resolution.¹²⁷

MR. ROBINSON said they had in the hon. member, who had just sat down, another example of one of the greatest evils which the Church of England had always had to contend with in this and other countries--viz; the strenuous opposition of those who make a parade of being churchmen themselves, and avowing a great veneration for and attachment to her doctrines. Whenever the Church of England had come before the Legislature for that common justice which is denied to no other sect, it is sure to meet the most bitter opposition from those very zealous churchmen. He could never listen to such language with patience. He much preferred meeting the avowed opponents of the Church. Such conduct in soi disant churchmen reminded him forcibly of some lines which he thought very appropriate as applicable to the speech of the hon. member:--

"Give me the avow'd, the erect--the manly foe--

"Bold, I may meet--perhaps may turn the blow--

"But of all ills, good Heaven thy wrath e'er sends,

"Save, save, oh! save me from pretended friends."

The hon. member might be, as had been well remarked by his hon. friend (Mr. Chabot) near him, a churchman in theory but not in practice.¹²⁸ He would remind that hon. gentlemen (sic) that, although the Church of England had met in Synod, found that on account of those very disabilities which it was now sought to be abolished could do nothing. It was simply claiming for the Church of England privileges held by every other denomination, and placing in fact still greater power in the hands of the lay members of the Church.¹²⁹ He was much pleased to find that his hon. and learned friend from Toronto, was about to carry by a large majority the address he had so ably introduced to the House.¹³⁰

MR. DALY said that the resolution under consideration was in his opinion another step towards reforming an evil, by effecting a complete separation between Church and state. The Clergy and laity of the Church of England had used every legitimate means to have certain restrictions removed by the Imperial Parliament, and had been referred by that Parliament to the legislature to obtain an approval of their demands. These restrictions prevented them from

having a voice in the election of their bishops and the management of their pecuniary affairs, and he thought it the duty of that House (and he was sure all true unprejudiced reformers would agree with him in the propriety of their action) to assist in removing these disabilities so as to place all the Churches in Canada on the same footing. He should vote for the resolution.¹³¹

MR. POWELL rose to explain his former remarks. An honorable member had said that those remarks were beneath contempt. He certainly did not pretend to wade up to his knees in blood for civil and religious liberty. (Order, hear.)¹³²

MR. SOL. GEN. H. SMITH.--He may sit down; he has said enough.¹³³

MR. JACKSON opposed the resolution as an unnecessary interference by Parliament with religions. The Church of England could get on without all this legislation. It should not put its trust in legislative enactments and state aid, but build upon the foundation of Our Lord Jesus Christ and trust in his merits alone.¹³⁴ As a Legislature they should confine themselves to the discharge of their proper duties, and should refrain from interfering in anything that appertained to the kingdom of Jesus Christ. (Hear, hear.)¹³⁵ There was more than met the eye in the resolution he feared--an insidious design to secure the countenance and support of the Crown for the Church of England here. The hon. member for Carleton had spoken sneeringly of the opposition to this measure of the Praise-God-bare-bones party led by the hon. member for Lambton.¹³⁶ It appeared to him (Mr. Jackson) that the spirit by which Mr. Powell was actuated was not at all calculated to recommend the peculiarities of the church which he advocated.¹³⁷ He should not be deferred by any such sneer from voting according to his conscience or ashamed to go with that party in such a cause.¹³⁸

MR. RANKIN thought no liberal man could oppose these resolutions. The strenuous opposition offered to it, had determined him to ask for further information. If the object was simply to obtain from the Imperial authorities the right of the Synod framing rules and regulations; he would gladly vote for the resolution.¹³⁹ ((He)) supported the resolution on the understanding that it gave no new powers to the Bishops to compel their clergy to commute in a body under the Clergy Reserve Act.¹⁴⁰ He thought the opposition of the member for Lambton, savoured strongly of intolerance.¹⁴¹

MR. CHABOT spoke at some length in favor of the resolution. The opposition to it showed what the people of Canada and especially Lower Canada had to expect from the hon. member for Lambton, if they should ever have the misfortune to come to be ruled by him. His view of religious freedom was to leave churches with whose doctrines he did not agree, fettered with disabilities unless they chose to regulate their internal discipline in a manner to suit his peculiar views. Save him from such a sort of religious freedom!¹⁴²

MR. DUFRESNE also supported the resolution. The debate had given him a still better knowledge of the views of the hon. member for Lambton. He had supposed he was actuated by hostility to the Roman Catholic church only; but he now found he was still more narrowminded, and was prepared to deny justice or freedom to any church but his own.¹⁴³

DR. ROLPH had battled for many years to get religious freedom for the churches, to get the disabilities removed under which they had labored, as to

celebrating marriage and baptism, and holding burying grounds, &c.¹⁴⁴ He was sorry that the church could not rest her rights upon the Bible; but he thought it would be a rather disgraceful thing if it were denied to the Church of England that which other Churches had obtained, and had been fighting for for half a century. He recollected the time when dissenters were smoked out of their meeting houses; but it was certainly right now that another state of things existed, to put the Church of England on a level with other religious bodies. Nevertheless, toleration was one thing, and conferring power another.¹⁴⁵ If it were merely to remove disabilities, he would cheerfully support it. But the resolution, he conceived, went beyond that, and proposed that the Church should be authorized to elect her own Bishops, a power the authority for which she ought to look for in the Bible alone.¹⁴⁶

MR. CAMERON rose to reply. He said a doubt had been expressed, whether the members of the Church of England had not now the right to meet in synod for the purpose contemplated by the resolution. But it had been decided they had not by some of the most eminent Crown Law Officers England had ever possessed. The Solicitor General of England and Mr. Bethell, one of the first lawyers of the present day had, in the debate from which he quoted in his opening remarks, declared that the statutes referred to debarred them from that right. In fact no proposition of law could be clearer, and it had been asserted nearly 100 years ago by the eminent man, Lord Hardwicke, then Attorney General, in the case of the then Colony of Massachusetts, which he had also previously referred to. These disabilities did really exist, and though some believe they did not, others were convinced that they did, and therefore the course proposed was necessary before they would act. Yet the resolution had been so framed as not to call for any declaration of opinion from those who differed with him. They were asked again; but why should this legislature interfere? Why did they not go directly to the Imperial Parliament? They had done so. Petitions had been sent in by the representatives of 200,000 members of the church in Western Canada, and their duplication was met by fears of ill feeling on the part of the Colonial Legislature of the Imperial Parliament should ((they)) act without first having some expression of its opinion¹⁴⁷. Suspicion had been attempted to be cast on this application for simple justice, because he was the person who asked for it in that House; and he had been taunted and sneered at by the member for Haldimand as the agent of the Bishops and the Church of England in that House. Surely it was no proper subject for a taunt or a sneer, nay he could not but consider it as an honor to be proud of, if in addition to standing there as representing one of the largest constituencies in the Province numbering some 40,000 souls; he was also held to represent the views of the clergy and laity of his church, numbering some 400,000. He would ask for no prouder boast than that. But why should these suspicions be entertained, these doubts thrown out about their intentions and designs. What they wanted had been stated in no doubtful terms in the resolution. They asked what was there set down and nothing more, as they could not be satisfied with anything less. They asked for nothing which was not just--nothing which they would not be prepared to grant to others in return. They did not seek to obtain the sanction of that House to the bill which he had lent to the hon. member for Lambton, and of which he had made an unfair use.¹⁴⁸ They only desired to have the disabilities removed which now pressed on them. A part of these, those which related to their meeting in synod to frame rules and regulations for their government could be removed by a simple appeal, as regarded this country, of the enactments complained of and such a

repeal was covered by the negative terms of the resolution. But they wished also the disability under which they now labored of having a voice in the appointment of their own bishops, also to be removed, and the hon. member for Norfolk, as a constitutional lawyer should have known, ((and)) he was sure he would see on reflection that prerogative of the Crown in this regard could not be taken away by any simply negative or repealing clauses, but requires a positive enactment to effect it, although requiring this different form of procedure, however, it was like the rest of the concessions, demanded a mere removal of Imperial restrictions on the independent action of the church in this Province. No one affected to deny to the Methodist or the Scotch churches to be in connection with their present churches in England and Scotland, and if it were replied that these churches asked no interference at the hands of the Parliament, the reason was clearly because they had no obstacles in their ways. Surely then it was not the duty of the House to force the members of the Church of England to erect themselves into an independent church. If the question once arose whether that Church should retain her properties, or her liberty, whether having tried all means to obtain what was her right she should fail, then her children ought perhaps here to declare that the necessity was above the law. But he hoped that event would not arise, and that it would never be said that by the refusal of the Legislature, the members of that Church had been forced to go beyond the law, when they wanted to act under the law.--If the statutes he sought to repeal were not in existence no one would desire to enact them, and if the members of the Church of England desired to choose their bishops subject to the approbation of the Queen, no one but themselves had any thing to do with it.¹⁴⁹

The Address was agreed to¹⁵⁰.

(770)

The Honorable Mr. Cameron moved, seconded by Mr. Gamble, and the Question being put, That an humble Address be presented to Her Majesty, informing Her Majesty that the Legislature of this Province, during the present Session of the Provincial Parliament, has passed an Act by which it is declared that there shall be an entire separation between Church and State in Canada, and that the Clergy Reserve Funds and Lands shall be appropriated to secular purposes, after providing for the salaries of existing incumbents; that the Members of the United Church of England and Ireland in this Province, are under disadvantages that are felt by no other denomination in this Province, inasmuch as they are unable to meet with their Bishops and Clergy in Synod in their several Dioceses, to frame rules and canons for their own guidance and governance, as large numbers of them conscientiously believe that they are under restrictions from the existence of Imperial Statutes against the holding of such Synods, and inasmuch as they are hereafter required to provide for the maintenance of the Bishops of their Church, while they are not allowed to have any voice in their selection or appointment; and praying that Her Majesty will be graciously pleased to cause a measure to be introduced into the Imperial Parliament during its present Session, to remove all obstructions that may exist or be supposed to exist, under any Statute now in force in Great Britain, to prevent the meeting of the Bishops, Clergy, and Laity of the United Church of England and Ireland in their several Dioceses in this Province, in Synod, to frame rules and canons for their own guidance and governance, and to enable them to proceed hereafter to the election of their own Bishops; provided that such rules and canons are not

repugnant to the Laws of this Province, nor to any Act or Acts that the Legislature of Canada may hereafter pass in reference thereto; the House divided: and the names being called for, they were taken down, as follow:--

(770-771)

YEAS.

Messieurs Alleyn, Bellingham, Bourassa, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Clarke, Cooke, Crawford, Crysler, Daly, Charles Daoust, Jean B. Daoust, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Fournier, Galt, Gamble, Gill, Hincks, Holton, Jobin, Langton, Laporte, Larwill, Lemieux, Loranger, Macbeth, Sir A.N. MacNab, McCann, Marchildon, Masson, Meagher, Mongenais, Joseph C. Morrison, Murney, Papin, Poulin, Pouliot, Powell, Rankin, Robinson, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Taché, Thibaudeau, Whitney, Wilson, and Yeilding.--(70.)

(771)

NAYS.

Messieurs Aikins, Bell, Biggar, Brown, Christie, Church, Cook, Darche, Delong, Ferrie, Foley, Frazer, Gould, Hartman, Jackson, Lumsden, John S. Macdonald, Mackenzie, Matheson, Mattice, Munro, Niles, Patrick, Rolph, Sanborn, Scatcherd, Sidney Smith, Spence, Terrill, and Wright.--(50.)

So it was resolved in the Affirmative.

Resolved, That a Select Committee, composed of the Honorable Mr. Cameron, Mr. Gamble, and the Honorable Mr. Robinson, be appointed to draw up an Address to Her Majesty upon the said Resolution.

MR. CAMERON moved for the first reading.¹⁵¹

MR. BROWN contended that the address should not be immediately read¹⁵². ((He)) hoped the measure would not be pressed through at one sitting. On an Upper Canadian question of this importance, and with an Upper Canadian majority against it, he did hope that some further time would be given for deliberation.¹⁵³

MR. LANGTON said that the votes were equal.¹⁵⁴

MR. MACKENZIE said that the Upper Canada vote being equal, a night to sleep upon the matter should be given, so that a majority might be obtained on one side or on the other. (Drumming and great noise.) Honorable gentlemen may drum. There was a time when they drummed their opinions into people's ears as they were going to the scaffold. Those times were past. He was not afraid of the resolution. A similar proceeding had led to the disruption in the Church of Scotland.¹⁵⁵

MR. FERRES thought the honorable member for Haldimand had sadly perverted history in connection with the disruption of the Church of Scotland.¹⁵⁶

MR. MACKENZIE explained¹⁵⁷.

((MR. FERRES continued:)) The disruption in the Church of Scotland certainly did not take place, because it repudiated the connection between Church

and State. He hoped the honorable member for Toronto would go on with his motion.¹⁵⁸

MR. CAMERON, after the full debate that had taken place, saw no necessity for any delay. He should therefore press his motion.¹⁵⁹

MR. MACKENZIE would move an amendment.¹⁶⁰

While he was writing ... the House ... apparently carried the motion¹⁶¹.

(771)

The Honorable Mr. Cameron reported from the said Committee, That they had drawn up an Address accordingly; and the same was read, as followeth:--

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal Subjects, the

Commons of Canada, in Provincial Parliament assembled, humbly approach Your Majesty for the purpose of representing; That the Legislature of this Province, during the present Session of the Provincial Parliament, has passed an Act by which it is declared that there shall be an entire separation between Church and State in Canada, and that the Clergy Reserve Funds and Lands shall be appropriated to secular purposes, after providing for the salaries of existing incumbents: That the Members of the United Church of England and Ireland in this Province are under disadvantages that are felt by no other denomination in the Province, inasmuch as they are unable to meet with their Bishops and Clergy in Synod in their several Dioceses, to frame rules and canons for their own guidance and governance, as large numbers of them conscientiously believe that they are under restrictions from the existence of Imperial Statutes against the holding of such Synods, and inasmuch as they are hereafter required to provide for the maintenance of the Bishops of their Church, while they are not allowed to have any voice in their selection or appointment; and we therefore humbly pray that Your Majesty will be graciously pleased to cause a measure to be introduced into the Imperial Parliament during its present Session, to remove all obstruction that may exist or be supposed to exist, under any Statute now in force in Great Britain, to prevent the meeting of the Bishops, Clergy, and Laity of the United Church of England and Ireland in their several Dioceses in this Province, in Synod, to frame rules and canons for their own guidance and governance, and to enable them to proceed hereafter to the election of their own Bishops; provided that such rules and canons are not repugnant to the Laws of this Province, nor to any Act or Acts that the Legislature of Canada may hereafter pass in reference thereto.

(772)

The Honorable Mr. Cameron moved, seconded by Mr. Gamble, and the Question being proposed, That the said Address be now read a second time;

MR. MACKENZIE said he would walk out of the House, unless permitted to make his motion.¹⁶² ((He)) then moved in amendment, that the following be added:-- "And provided, also, that nothing in this address shall be understood as giving any authority to the British Government to veto the appointment of any bishop so to be appointed." In moving it, he took occasion to ridicule Mr. Hincks' enthusiastic stand in favor of the church; and said that gentleman must be an excellent actor, for his manner would make any stranger believe that he was most

deeply interested in matters, in which his concern might be best described by the line,

"What's Hecuba to him or he to Hecuba?"¹⁶³

MR. HINCKS was glad that honorable gentleman had put on record a motion that he a member of another Church wanted to interfere with the internal management of the Church of England.¹⁶⁴

(772)

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Frazer, That all the words after "be" to the end of the Question be left out, in order to add the words "amended, by adding the words 'and provided also, that nothing in this Address shall be understood as giving any authority to the British Government to veto the appointment of any Bishop so to be appointed'" at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Frazer, Mackenzie, and Rolph.--(3.)

NAYS.

Messieurs Aikins, Biggar, Bourassa, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chisholm, Christie, Clarke, Cook, Crawford, Crysler, Charles Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Egan, Felton, Ferres, Ferrie, Foley, Fournier, Galt, Gamble, Gould, Hincks, Lemieux, Loranger, Sir A.N. MacNab, McCann, Marchildon, Masson, Joseph C. Morrison, Munro, Papin, Poulin, Powell, Rankin, Robinson, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Spence, Terrill, Thibaudeau, Wilson, and Wright.--(58.)

So it passed in the Negative.

And the Question being again proposed, That the said Address be now read a second time;

MR. BROWN moved an amendment that the said address be not now adopted, because no church in this country should suffer from statutory disabilities imposed in England.¹⁶⁵ ((He)) ... moved in amendment, That the said Address be not now concurred in, but that it be referred back to the Committee, with instructions to amend the prayer thereof so that the repeal of any English Statutes affecting the Church of England, in Canada, shall be its sole demand; that no new provision may be imposed by the "Imperial Parliament, but that the said Church, and all other Churches, may be left entirely free from the control of Imperial Statutes."¹⁶⁶

MR. HINCKS said that this covered the whole ground embraced in the member for Toronto's resolution. (Oh! oh!) He was delighted, however at the opportunity of stultifying themselves which it gave to the hon. gentlemen who were supporting the hon. member for Lambton in this matter, and were placing themselves in the most humiliating position that any gentlemen who understood the English language and had common sense to govern them could be placed (Oh! oh!)¹⁶⁷

MR. HARTMAN said the hon. member for Toronto would not say that this amendment covered the whole ground of his resolution, which, as he understood it, asked for the repeal of certain Statutes and the enactment of certain others.¹⁶⁸

MR. HINCKS.--You don't understand it. You can't understand the English language (Order!)¹⁶⁹

MR. LANGTON ridiculed the motion in amendment by Mr. Brown¹⁷⁰.

MR. WILSON ... said that there was something more wanted than merely a repeal of Statutes. The power of electing Bishops was desired.¹⁷¹

MR. POST. GEN. SPENCE said he would not have spoken but for the remarks of Mr. Hincks that those who voted with Mr. Brown stultified themselves. After that he could not give a silent vote. He was one who sincerely desired the severance of church and state in this Province; but he held that the members of the Church of England should not have sought to apply to the Imperial Government on a religious question through that House; but should have arranged the matter themselves.¹⁷²

MR. CAMERON, on being appealed to, said he could not accept the amendment. The repeal of Statutes was not enough, but a positive Statute was required to give the Church the power of electing her own Bishops.¹⁷³

(772)

Mr. Brown moved in amendment to the Question, seconded by Mr. Ferrie, That all the words after "be" to the end of the Question be left out, and the words "referred back to the Select Committee, with an instruction to amend the prayer thereof, so that the repeal of the English Statutes affecting the Church of England in Canada shall be its sole demand; that no new provision may be imposed by the Imperial Parliament, but that the said Church and all other Churches may be left free from the control of Imperial Statutes" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Brown, Christie, Ferrie, Foley, Frazer, Hartman, Mackenzie, Munro, Rolph, Sanborn, and Spence.--(13.)

(772-775)

NAYS.

Messieurs Bellingham, Cameron, Cartier, Chapais, Chisholm, Clarke, Crawford, Crysler, Charles Daoust, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Egan, Felton, Ferres, Fournier, Gamble, Hincks, Langton, Lemieux, Loranger, Macbeth, Sir A.N. MacNab, Marchildon, Masson, Mongenais, Joseph C. Morrison, Poulin, Robinson, Solicitor General Ross, Shaw, Thibaudeau, and Wilson.--(36.)

So it passed in the Negative.

(773)

Then the main Question being put;

Ordered, That the said Address be now read a second time.

And the said Address, being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council, informing their Honors, that this House hath adopted an Address to Her Majesty on the subject of the United Church of England and Ireland in Canada, and requesting the concurrence of their Honors thereto.

Ordered, That the Honorable Mr. Cameron do carry the said Message to the Legislative Council.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Supplementary Return to an Address from the Legislative Assembly of the 26th ultimo, for copies of Documents connected with Light Houses below Quebec.

For the said Return, see Appendix (J.J.J.)

Then, on motion of Mr. Masson, seconded by Mr. Dostaler,
The House adjourned.

APPENDIX: 29 MARCH 1855.

((NOTICE OF QUESTION RE: FUNDS FOR SCHOOLS IN LOWER CANADA.))

MR. JOBIN ((donne avis que)) mercredi prochain ((il)) demandera au gouvernement si c'est son intention de remplir la promesse faite durant la première partie de la session, de mettre à la disposition du surintendant de l'éducation pour le Bas-Canada, une somme de deniers pour aider à bâtir des maisons d'école et pour établir des bibliothèques de paroiss(es).¹⁷⁴

FOOTNOTES: 29 MARCH 1855.

1. GLOBE, 13 April 1855.
2. TORONTO DAILY LEADER, 5 April 1855.
3. GLOBE, 13 April 1855.
4. IBID.
5. IBID.
6. TORONTO DAILY LEADER, 5 April 1855.
7. GLOBE, 13 April 1855.
8. IBID.
9. TORONTO DAILY LEADER, 5 April 1855.
10. MORNING CHRONICLE, 2 April 1855.
11. TORONTO DAILY LEADER, 5 April 1855.
12. MORNING CHRONICLE, 2 April 1855.
13. GLOBE, 13 April 1855.
14. MORNING CHRONICLE, 2 April 1855.
15. TORONTO DAILY LEADER, 5 April 1855.
16. GLOBE, 13 April 1855.
17. TORONTO DAILY LEADER, 5 April 1855.
18. IBID.
19. GLOBE, 13 April 1855.
20. TORONTO DAILY LEADER, 5 April 1855.
21. IBID.
22. GLOBE, 13 April 1855.
23. IBID.
24. IBID.
25. IBID.
26. MORNING CHRONICLE, 2 April 1855.
27. GLOBE, 13 April 1855.
28. MORNING CHRONICLE, 2 April 1855.
29. GLOBE, 13 April 1855.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. MORNING CHRONICLE, 2 April 1855.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. GLOBE, 13 April 1855. The ellipses in the extracts read by Mr. Brown appear as per this newspaper.
45. GLOBE, 13 April 1855.
46. IBID.
47. IBID.
48. MORNING CHRONICLE, 2 April 1855.
49. TORONTO DAILY LEADER, 5 April 1855.

50. GLOBE, 13 April 1855.
51. IBID.
52. IBID.
53. TORONTO DAILY LEADER, 5 April 1855.
54. GLOBE, 13 April 1855.
55. MORNING CHRONICLE, 2 April 1855.
56. GLOBE, 13 April 1855.
57. MORNING CHRONICLE, 2 April 1855.
58. GLOBE, 13 April 1855.
59. TORONTO DAILY LEADER, 5 April 1855.
60. GLOBE, 13 April 1855.
61. IBID.
62. IBID.
63. IBID.
64. MORNING CHRONICLE, 2 April 1855.
65. GLOBE, 13 April 1855.
66. TORONTO DAILY LEADER, 5 April 1855.
67. GLOBE, 13 April 1855.
68. TORONTO DAILY LEADER, 5 April 1855.
69. GLOBE, 13 April 1855.
70. TORONTO DAILY LEADER, 5 April 1855.
71. GLOBE, 13 April 1855.
72. MORNING CHRONICLE, 3 April 1855.
73. GLOBE, 13 April 1855.
74. TORONTO DAILY LEADER, 5 April 1855.
75. IBID.
76. IBID.
77. GLOBE, 13 April 1855.
78. IBID.
79. TORONTO DAILY LEADER, 5 April 1855.
80. MORNING CHRONICLE, 3 April 1855.
81. GLOBE, 13 April 1855.
82. MORNING CHRONICLE, 2 April 1855.
83. GLOBE, 13 April 1855.
84. IBID.
85. MORNING CHRONICLE, 2 April 1855.
86. IBID.
87. IBID.
88. GLOBE, 13 April 1855.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. TORONTO DAILY LEADER, 5 April 1855.
94. IBID.
95. GLOBE, 13 April 1855.
96. IBID.
97. IBID.
98. TORONTO DAILY LEADER, 5 April 1855.
99. GLOBE, 13 April 1855.
100. MORNING CHRONICLE, 2 April 1855.
101. GLOBE, 13 April 1855.

- 102. MORNING CHRONICLE, 2 April 1855.
- 103. TORONTO DAILY LEADER, 5 April 1855.
- 104. MORNING CHRONICLE, 2 April 1855. At this point in the debate, HAMILTON SPECTATOR, 7 April 1855, provides a speech very similar to that contained in MORNING CHRONICLE, 2 April 1855, and GLOBE, 13 April 1855; however, the HAMILTON SPECTATOR, 7 April 1855, attributes the speech to Mr. Cauchon, and not to Mr. Cartier. Mr. Cauchon's speech is reprinted below for the reader's interest:

"Mr. Cauchon understood that there were Imperial Statutes regulating the action of the Church of England. These Statutes have become the laws of this country just as much as if they had been enacted by our own Legislature. Such being the case, it being quite competent to enforce them against the members of the Church of England, he thought it not only competent, but the imperative duty of the Parliament of this country to do what it could towards the repeal of the Statute. It was necessary that the Imperial Parliament should be assured of the assent of the Canadian Legislature before repealing them, and hence the necessity for the address. The member for Haldimand was strangely inconsistent in his opposition. That gentleman had himself at the commencement of the session placed on the notice paper a motion having for its object the disunion of the Catholic Church in Canada with the Pope of Rome. In addition to his address he presumed that petitions will be sent home from the members of the Church."

- 105. GLOBE, 13 April 1855.
- 106. MORNING CHRONICLE, 2 April 1855.
- 107. IBID.
- 108. GLOBE, 13 April 1855.
- 109. IBID.
- 110. IBID.
- 111. IBID.
- 112. IBID.
- 113. MORNING CHRONICLE, 2 April 1855.
- 114. GLOBE, 13 April 1855.
- 115. MORNING CHRONICLE, 2 April 1855.
- 116. MORNING CHRONICLE, 3 April 1855.
- 117. GLOBE, 13 April 1855.
- 118. MONTREAL GAZETTE, 3 April 1855.
- 119. GLOBE, 13 April 1855.
- 120. IBID.
- 121. IBID.
- 122. IBID.
- 123. IBID.
- 124. IBID.
- 125. IBID.
- 126. IBID.
- 127. IBID.
- 128. MONTREAL GAZETTE, 3 April 1855.
- 129. HAMILTON SPECTATOR, 7 April 1855.
- 130. MORNING CHRONICLE, 3 April 1855.
- 131. IBID.
- 132. TORONTO DAILY LEADER, 5 April 1855.
- 133. IBID.

134. MORNING CHRONICLE, 3 April 1855.
135. GLOBE, 13 April 1855.
136. MORNING CHRONICLE, 3 April 1855.
137. GLOBE, 13 April 1855.
138. MORNING CHRONICLE, 3 April 1855.
139. TORONTO DAILY LEADER, 5 April 1855.
140. GLOBE, 13 April 1855.
141. TORONTO DAILY LEADER, 5 April 1855.
142. MORNING CHRONICLE, 3 April 1855.
143. IBID.
144. IBID.
145. TORONTO DAILY LEADER, 5 April 1855.
146. GLOBE, 13 April 1855.
147. MORNING CHRONICLE, 3 April 1855.
148. MONTREAL GAZETTE, 3 April 1855.
149. MORNING CHRONICLE, 3 April 1855.
150. GLOBE, 13 April 1855.
151. HAMILTON SPECTATOR, 7 April 1855.
152. IBID.
153. GLOBE, 13 April 1855.
154. HAMILTON SPECTATOR, 7 April 1855.
155. IBID.
156. IBID.
157. IBID.
158. IBID.
159. GLOBE, 13 April 1855.
160. HAMILTON SPECTATOR, 7 April 1855.
161. IBID.
162. IBID.
163. MONTREAL GAZETTE, 3 April 1855.
164. HAMILTON SPECTATOR, 7 April 1855.
165. IBID.
166. GLOBE, 13 April 1855.
167. IBID.
168. IBID.
169. IBID.
170. HAMILTON SPECTATOR, 7 April 1855.
171. IBID.
172. MORNING CHRONICLE, 3 April 1855.
173. GLOBE, 13 April 1855.
174. LE PAYS, 3 April 1855.

FRIDAY, 30 MARCH 1855.

(773)

MR. Speaker laid before the House,--Return from the Registrar of the County of Northumberland, received in pursuance of the Order of this House of the 14th September last.

For the said Return, see Appendix (Z.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Jobin,--The Petition of the Reverend J. St. Aubin and others, School Commissioners, of the Parish of St. Félix de Valois, in the County of Joliette.

By Mr. Rankin,--The Petition of William Frederick Whitcher, of the City of Quebec, Editor of the Quebec Gazette.

By Mr. Papin,--The Petition of Pierre Massé and others, of the County of Berthier, Censitaires; the Petition of L.G. Marion and others, of the County of Berthier, Censitaires; and the Petition of J.B. Hétu and others, of the County of Berthier, Censitaires.

By Mr. Laporte,--The Petition of M. Raymond and others, of St. Joseph, Rivière des Prairies, and other Parishes.

Pursuant to the Order of the day, the following Petitions were read:--

Of G.W. Henry and others, of the Hamlet of Elgin, in the Township of Stamford; praying that the Town of Elgin may not be incorporated as an independent Municipality.

(774)

Of the Reverend J.C. Cloutier, Curé, and others, of the Parish of St. George de Kakouna; praying an aid for the erection of a Building for Educational and other purposes, under the name of the Couvent et Hospice de la Charité de Kakouna.

Of the Reverend Siméon Belleau and others, of the Parish of Ste. Croix, in the County of Lotbinière; praying for an aid for Educational purposes.

Of Patrick McCabe and others, of the Township of Wickham, County of Drummond; of James Osborne and others, of the City of Hamilton; of the Reverend Archibald Cross and others, of the County of Oxford; of John Martin and others, of the County of Halton; of the Reverend Andrew Melville and others, of the Township of Pembroke, in the County of Renfrew; of Philip Rymal and others, of the South Riding of the County of Wentworth; of William Allan and others, of the County of Peel; of John Macartney and others, of the County of Peel; of Alexander McLaren and others, of the Township of Caledon, in the County of Peel; of R.W. Copeland and others, of the County of Peel; of Alexander Rose and others, of the County of Peterborough; of James Coutts and others, of the County of Ontario; of George White and others, of the County of Ontario; and of the Reverend Kenneth M. Fenwick and others, of the City of Kingston; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of William Davidson, County Clerk of Waterloo, and others; representing that the Act 16 Vic. cap. 163, provides for their making certain Returns to Government; and praying that compensation be made them for such Returns, and that the time be extended for making the same.

Of O. Klotz and others, Clerks of Division Courts for the County of Waterloo; praying that the Tariff of Fees allowed them under the Act 16 Vic. cap. 531, may be increased.

Of David S. Shoemaker, Town Clerk of the Township of Waterloo, and others; praying that a reasonable allowance be made them for making out an Alphabetical List of all persons entitled to vote at the Election of a Member of the Provincial Parliament, within their respective Municipalities, as provided for by the Act 16 Vic. cap. 153.

Of the Municipality of the Township of Wainfleet, in the County of Welland; and of the Municipality of the Village of Stratford; representing that they are Stockholders in the Buffalo, Brantford, and Goderich Railway Company, and praying for an aid to complete the said Railroad.

Of Thomas Houston and others, of the Township of Plympton North; praying for the passing of a Prohibitory Liquor Law.

Of the Literary and Historical Society of Quebec; praying for an aid.

Of the University of Queen's College, Kingston; praying for an aid to liquidate the debt on the buildings occupied as Queen's College.

Of the University of Queen's College, Kingston; praying for an aid.

Of the University of Queen's College, Kingston; praying for an aid in behalf of the preparatory department of the said College.

Of James Morton and others, of the City of Kingston, Brewers and Distillers; praying that the Bill to prevent the traffic in Alcoholic and Intoxicating Liquors, may not become Law.

Of the Municipality of the Township of Onondaga; expressing their approval of the Grant of 20,000L in behalf of the Widows and Orphans of the Armies and Navies in the Crimea, and their high admiration of the valor of the Allied Troops; and praying for certain amendments to the Municipal Act of Upper Canada, to enable them to raise funds for that and similar purposes.

Of the Municipality of the Village of Paris; praying that the said Village may be incorporated as a Town.

Of John Longworth, of the Town of Goderich, Captain and Adjutant 2nd Huron Militia; praying to be reimbursed for certain expenses incurred while on duty during the Rebellion of 1837 and 1838.

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Of the Quebec Benevolent Society; praying for certain amendments to their Act of Incorporation.

Of James Gibb and others, of the District of Quebec; praying for the passing of an Act to incorporate the Victoria Hospital, under the control and management of Protestant Trustees.

Of William Fraser, Esquire, and others, of the Parish of St. Patrice de la Rivière du Loup; and of the Municipality of the Village of Fraserville; praying for the introduction of a Bill to authorize the said William Fraser, and Edouard Fraser, and their heirs, to sell building Lots in the Domain of the Seigniorship of Rivière du Loup, and to legalize certain contracts made by them, and to authorize them to make free grants of such of the said Lots as may be required for public utility.

Ordered, That the several Petitions relating to the subject of Intemperance, received up to this day, be referred to the Select Committee on Temperance.

Ordered, That the Petition of O. Klotz and others, Clerks of Division Courts for the County of Waterloo, be referred to the Select Committee to which was referred the Bill to extend the Jurisdiction of the Division Courts in Upper Canada.

Resolved, That the Petition of Andrew Foster and others, of the Town of St. Catharines, be referred to a Select Committee, composed of the Honorable Mr. Merritt, the Honorable Mr. Lemieux, Mr. Joseph Curran Morrison, Mr. Mackenzie, and Mr. Frazer, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Petition of Agnes Stewart, of the Town of St. Catharines, be referred to the said Committee.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Twenty-sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Caleb Mallery and others, of the Township of Hamilton, in the County of Northumberland; and of the Municipality of the Township of Norwich, for a division of the said Township; and they find that the requisite Notices have been given.

On the sixth of November last Your Committee reported, with reference to the Petition of John Young and others, for incorporation of a Company to construct a Railway from Hamilton to Amherstburg, that the Notices then given were insufficient. Shortly after the date of that Report, a Notice was inserted by the applicants in the Hamilton Spectator, with instructions to the Newspapers published in the localities affected, to copy. These Notices have now been proved before Your Committee, with the exception of that in the Canada Oak (for the County of Essex,) copies of which paper cannot be procured except by long delay; as however, the paper in question was one of those directed in the original advertizement to copy the Notice, there can be little doubt that it was done accordingly, and Your Committee therefore beg to recommend that the Notices be considered sufficient.

The Petition of David Paterson and others, Trustees of the Toronto General Burying Ground, and of the Municipality of Yorkville and others, prays for authority to the Trustees to dispose of the Burying Ground, and to purchase a new site. Your Committee find that no Notice has been given, but as the Petition is very numerously signed by parties whose interests might be affected, they would respectfully recommend that the Notice be dispensed with to such an extent as to empower the Trustees to dispose of such portion of the said Burying Ground only, as has not been used for Interments.

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On the Petitions of W. Abbott and others, Directors of the Mutual Fire Insurance Company of the County of Two Mountains, praying for additional powers, and of the Municipality of the Township of Nepean, for an Act to legalize the assessment made in that Township for 1854, Your Committee find that no Notices have been given.

Mr. Crawford reported from the Select Committee on the Bill to repeal part of the Act 16 Vic. cap. 184, relating to Licenses on Articles manufactured in the Province, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Wednesday next.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have given their attention to the subject of the Printing and Binding required by Your Honorable House, after the expiration of the existing Contracts, and unanimously agreed to recommend that they be authorized to advertise for Tenders for the above work, to extend for the term of four years, from the termination of the said Contracts.

In recommending this alteration from the ordinary mode of Sessional Contracts, Your Committee have no doubt that the result would shew that not only a great saving in expense would be effected, but that the Contractors would be placed in a position to perform the work, in every way, more to the satisfaction of your Honorable House.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the Petition of John Lyford and others, of Stanstead; and the Petition of the Municipality of the Village of Stratford, be printed for the use of the Members of this House.

Ordered, That Mr. Sidney Smith have leave to bring in a Bill to confirm the Patent for Lot No. 4, Broken Concessions A and B, of the Township of Hamilton.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Cooke have leave of absence for four weeks, on account of domestic affliction.

Mr. Dufresne moved, seconded by Mr. Laporte, and Question being put, That when this House doth adjourn this day, it will adjourn until To-morrow at Three o'clock in the afternoon:--It passed in the Negative.

Ordered, That Mr. Mackenzie have leave to bring in a Bill to enable the Trustees of the Toronto General Burying Ground to close the same, to sell a portion thereof, and to acquire other ground for the purposes of the Trust.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General,

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dated the 16th instant, praying His Excellency to cause to be laid before the House, a List of all Crown and Clergy Lands which have been sold within the Electoral County of Russell, since the fifth day of September last, to the present time, with the date of such sale, and the names of the parties to whom sold, and the amount of each sale; and also, a Statement or List of the Crown and Clergy Lands yet unsold in the said Electoral County.

For the said Return, see Appendix (L.L.)

Return to an Address from the Legislative Assembly of the 12th December last, for copy of a Contract for the construction of the Chats Canal, and of certain documents connected with the same subject.

For the said Return, see Appendix (T.T.)

Return in part to an Address from the Legislative Assembly of the 8th instant, for copies of Documents relative to the survey and improvement of the Rapids of the River St. Lawrence.

For the said Return, see Appendix (G.G.G.)

Return to an Address from the Legislative Assembly of the 13th December last, for copies of Papers relative to the erection of the Montreal Court House.

For the said Return, see Appendix (M.M.M.)

Return to an Address of the Legislative Assembly, dated 26th September, 1854, to His Excellency the Governor General, for copies of all Correspondence that may have taken place between the Provincial Government and other parties on the subject of the proposed Normal School for Lower Canada.

For the said Return, see Appendix (B.)

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, laid before the House, by Command of His Excellency the Governor General,--The Annual Report of the Normal, Model, Grammar, and Common Schools in Upper Canada, for the year 1854.

For the said Return, see Appendix (B.)

Ordered, That the Return relative to the Rapids of the River St. Lawrence, be printed in the same Pamphlet as the Report made by Mr. Jarvis, the Engineer employed to survey the proposed Caughnawaga Canal, from the St. Lawrence to the St. Johns.

Ordered, That a sufficient number of Copies of the Annual Report of the Chief Superintendent of Schools for Upper Canada for 1854, be printed, to supply a copy to each Local Superintendent, Board of Public Instruction, and Municipal and School Corporation, in Upper Canada, exclusive of the number printed for the use of this House.

Ordered, That the Return relative to the Crown and Clergy Lands within the Electoral County of Russell, and the Return relative to the Chats Canal, be printed for the use of the Members of this House.

The Order of the day for the second reading of the Bill to constitute the Electoral County of Sherbrooke into a separate Municipality, and to establish a Registry Office therein, being read;

Ordered, That the said Order of the day be discharged.

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The Order of the day for the second reading of the Bill to authorize the construction of a Dam or Breakwater over the Grand River at or near the Village of Preston, County of Waterloo, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to constitute the Electoral County of Argenteuil into a separate Municipality, being read;

Ordered, That the said Order of the day be discharged.

The Order of the day for the second reading of the Bill to incorporate the Imperial Fire and Marine Insurance Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled "An Act to extend the powers of the Consumers Gas Company of Toronto," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Sherbrooke Literary Institute, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Niagara District Bank, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to determine the course of the division or side-lines of the Lots in certain Concessions in the Township of Smith, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to determine the manner in which the division or side-lines of the Lots in the Township of Wolfe Island shall be drawn, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Canada Powder Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have agreed to the Address of this House to Her Most Gracious Majesty on the subject of the United Church of England and Ireland in Canada, by filling up the blank with "Legislative Council and": And also,

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The Legislative Council have passed the accompanying Address to His Excellency the Governor General, praying that His Excellency will be pleased to transmit the Joint Address of both Houses to Her Most Gracious Majesty, on the subject of the United Church of England and Ireland in Canada, in such a manner as His Excellency may see fit, in order that the same may be laid at the foot of the Throne, to which they desire the concurrence of this House:

To His Excellency Sir Edmund Walker Head, Baronet, Governor General of British North America, and Captain General and Governor-in-Chief in and over

the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.,

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Canada in Parliament assembled, beg leave to approach Your Excellency with our respectful request, that you will be pleased to transmit our Joint Address to Her Most Gracious Majesty on the subject of the United Church of England and Ireland in Canada, in such a way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

And then he withdrew.

On motion of MR. CAMERON,²

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Resolved, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of the United Church of England and Ireland in Canada, in such a manner as His Excellency may see fit, in order that the same may be laid at the foot of the Throne; that the blank therein be filled up with the words "and Commons," and that the said Address be signed by Mr. Speaker on behalf of this House.

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of the United Church of England and Ireland in Canada, by filling up the blank with the words "and Commons."

Ordered, That the Honorable Mr. Cameron do carry the said Message to the Legislative Council.

The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Attorney General Macdonald, That this House will immediately resolve itself into a Committee, to take into consideration certain Resolutions relative to Customs Duties;

The Honorable Mr. Cayley, a Member of the Executive Council, by Command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Langton reported, That the Committee had come to several Resolutions.

Ordered, That the Report be now received.

Mr. Langton reported the Resolutions accordingly; and the same were read, as follow:--

1. Resolved, That it is expedient to remove certain doubts as to the Duties payable under the Act 18 Vic. cap. 5, intituled, "An Act to amend the Acts imposing Duties of Customs on certain kinds of Sugar."

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2. Resolved, That all refined Sugar, whether in loaves or lumps, candied, crushed, powdered or granulated, or in any other form, or other Sugar equal to

refined Sugar in quality, is subject, under the said Act, to a Duty of twelve shillings the hundred weight.

3. Resolved, That white clayed Sugar, brown clayed Sugar, and yellow bastard Sugar, or Sugar of any kind equal in quality to any of the said kinds of Sugar, but not equal in quality to refined Sugar, is subject, under the said Act, to a Duty of eight shillings and sixpence the hundred weight.

4. Resolved, That raw Sugar and all Sugar of any kind not equal in quality to any of those above mentioned, is, under the said Act, subject to a Duty of six shillings and sixpence the hundred weight.

The said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Cayley have leave to bring in a Bill to explain an Act, intituled, "An Act to amend the Acts imposing Duties of Customs."

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Ordered, That the Bill be now read a second time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cayley do carry the Bill to the Legislative Council, and desire their concurrence.

MR. BROWN stated that the sitting of the House to-morrow would interfere with the sittings of Committees who had summoned witnesses to attend before them.³

Several members of Committees made a similar statement, and it was agreed that the Private Bills to which there was no opposition should be taken up and proceeded with until six o'clock, and that the sittings of the Committees should not be interfered with.⁴

MR. PRES. EX. COUN. MACNAB moved the House into Committee on the bill to regulate the Militia. He would explain the different clauses of the bill as they came up. Members he believed had changed their opinions of the bill, having found it a rather better one than it first appeared to them to be.⁵ ((He)) stated that the money clauses would be postponed till a future day.⁶

MR. BELLINGHAM was called to the chair.⁷

MR. BROWN said he had done all he could to get the progress of the measure delayed, until hon. members could receive the opinion of their constituents in regard to it. But since the Government were determined to carry it through, he should leave the gallant knight to assume the whole responsibility of it.⁸ It was a serious matter to offer any factious opposition to government when they said a militia bill was needed for the security of the country, but he warned them of the serious expense with which they were saddling the country.⁹ Having already recorded his views on the second reading, he should allow it to pass through Committee without opposition.¹⁰

MR. PRES. EX. COUN. MACNAB was quite willing to take the responsibility.¹¹

MR. GOULD thought that delay was to be given. He had sent all the bills he could get to his constituents, with the view of obtaining their opinion on the bill, but he had not yet received their answer.¹²

MR. SOL. GEN. H. SMITH could not wait for opinions, as they might have to wait for five years without obtaining an opinion, as some of the hon. gentleman's constituents might be unable to read the bill.¹³

MR. GOULD did not understand the necessity of hurrying the bill. (Cries of "Go on.")¹⁴

MR. POWELL objected to ... the 9th clause ... in which the service-men are divided into two classes, the first class to consist of unmarried men, and widowers without children.... In his opinion, a married man should be a first-class man: having shown decided pluck in getting married. It was well to have the women on the side of those in favor of the bill, and he feared that if the clause were adopted as it stood, the women would be up in arms. There was yet another reason why married men should be ranked as first-class--they were accustomed to be((ing)) drilled.¹⁵

All the money clauses in the bill were postponed, and the other clauses, with some trifling amendments, agreed to.¹⁶

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The House, according to Order, resolved itself into a Committee on the Bill to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bellingham reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council acquaint this House, that His Excellency the Governor General has appointed To-morrow at Twelve o'clock, noon, to be attended with the Joint Addresses of both Houses, to Her Most Gracious Majesty and His Excellency, on the subject of the United Church of England and Ireland in Canada; and that they have ordered that the Honorable Mr. Speaker, and the Honorable Mr. Receiver General Taché, be in attendance at that time on the part of the Legislative Council.

And then he withdrew.

On motion of MR. CAMERON,¹⁷

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Ordered, That the Honorable Sir Allan N. MacNab and the Honorable Mr. Cayley do attend His Excellency the Governor General on the part of this House, To-morrow, at Twelve o'clock, noon, with the Addresses of both Houses on the subject of the United Church of England and Ireland in Canada.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for

the County of Argenteuil, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read as

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follow:--James Shaw, Esquire, Charles Daoust, Esquire, Robert Ferrie, Esquire, Robert Brown Somerville, Esquire; Chairman, John Wilson, Esquire.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to explain an Act, intituled, 'An Act to amend the Acts imposing Duties of Customs,'" without any Amendment.

And then he withdrew.

The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, That this House will, on Tuesday next, resolve itself into a Committee to consider of making provision out of the Consolidated Revenue Fund for the payment of the Salaries of Officers and other expenses to be incurred in the establishment and organization of the Militia Force in this Province;

The Honorable Sir Allan N. MacNab, a Member of the Executive Council, by Command of His Excellency the Governor General, then acquainted the House, That His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will, on Tuesday next, resolve itself into a Committee to consider of making provision out of the Consolidated Revenue Fund for the payment of the Salaries of Officers and other expenses to be incurred in the establishment and organization of the Militia Force in this Province.

MR. AT. GEN. DRUMMOND moved the House into Committee on the Bill to reform the Municipal system of Lower Canada, (and Petitions of Municipal Council of L'Islet, and of Ignace Couture and others, referred.)¹⁸

MR. CASAULT in the chair.¹⁹

MR. AT. GEN. DRUMMOND stated that it was his intention to go through all the clauses of the Bill "to-night," and that he must postpone the consideration of any clauses in the Bill, to which objection was taken.²⁰

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The House, according to Order, resolved itself into a Committee on the Bill to reform the Municipal System of Lower Canada, and to establish County, Parish, and Township Municipalities therein; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Casault reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

Then, on motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Sir Allan N. MacNab,

The House adjourned until Monday next.

APPENDIX: 30 MARCH 1855.

((NOTICE OF MOTION RE: BILL AUTHORIZING THE SALE OF BUILDING LOTS IN RIVIÈRE DU LOUP.))

MR. CASAULT ((donne avis que)) lundi prochain ((il fera motion pour un)) Bill pour autoriser William Frazer et Edward Frazer à aliéner par lots partie du domaine de la seigneurie de la Rivière du Loup.²¹

((NOTICE OF MOTION RE: BILL TO AMEND THE ACT CONCERNING THE NOTARIAL PROFESSION IN LOWER CANADA.))

MR. CHAPPAIS ((donne avis que)) mardi prochain ((il fera motion pour un)) Bill pour amender l'acte pour l'organisation de la profession de notaire dans le Bas-Canada.²²

((NOTICE OF MOTION RE: BILL FOR INCORPORATION OF PARIS.))

MR. CHRISTIE ((donne avis que)) lundi prochain ((il fera motion pour un)) Bill pour incorporer la ville de Paris et en définir les limites.²³

((NOTICE OF MOTION RE: BILL REGULATING FOREIGN INSURANCE COMPANIES.))

MR. CAMERON ((donne avis que)) lundi prochain ((il fera motion pour un)) Bill pour régler les compagnies d'assurances étrangères.²⁴

((NOTICE OF MOTION FOR ADDRESS RE: SEPARATE SCHOOLS IN UPPER CANADA.))

MR. HARTMAN ((donne avis que)) lundi prochain ((il fera motion pour une)) Adresse demandant copie de la correspondance entre le surintendant de l'éducation dans le Haut-Canada et toute autre personne depuis le 1er janvier 1853 au sujet d'écoles séparées.²⁵

((NOTICE OF MOTION FOR ADDRESS RE: PARIS EXHIBITION.))

MR. POWELL ((donne avis que)) lundi prochain ((il fera motion pour une)) Adresse demandant copie de tous les documents relatifs à la nomination de commissaires pour représenter la province à l'exposition industrielle de Paris.²⁶

((NOTICE OF MOTION TO SUSPEND 62ND RULE REGARDING INCORPORATION OF PARIS.))

MR. CHRISTIE ((donne avis que)) lundi prochain ((il fera motion pour une)) dispense de la 62e règle en autant qu'il s'agit de la pétition de la municipalité du village de Paris, demandant un acte pour incorporer le dit village comme ville.²⁷

((NOTICE OF MOTION RE: QUEBEC TURNPIKE ROADS.))

MR. CHAUVEAU has given notice that he will move to-morrow to refer the Petition of the Municipality of the County of Quebec, complaining of the negligence and inefficiency of the Quebec Turnpike Trust, now holding commission, and their

permanent employés, and praying for their dismissal from office of the Commissioners of the said Trust, and their said employés, and for the establishment of a more practicable system; and, also, the Petition of the Municipal Council of the County of Quebec, praying for certain alterations in the administration of the Quebec Turnpike Roads, to a Select Committee, composed of the Honorable Messieurs Chabot, Lemieux, and Cauchon, and Messrs. Thibaudeau, Huot, Rankin, and the Mover, with power to send for persons, papers, and records and to report by Bill or otherwise.²⁸

((WITHDRAWN MOTION RE: CHARGES AGAINST LATE ADMINISTRATION.))

MR. FELTON moved "That it be an instruction to the Committee appointed to enquire into certain alleged corrupt practices of Members of the late Administration, to report forthwith to this House in detail the testimony already taken by them in the prosecution of the enquiry confided to them." His object in moving the resolution was, that justice might be done to the accused. A great deal of time had already been lost, and the accused were under imputations of the most disagreeable kind, and it was very desirable that the country should be assured that something in the matter was being done.²⁹

MR. MURNEY thought it most unfair that the partial report should be made. It was exceedingly wrong that the public prosecutor should desire to give a partial evidence. It was quite possible that the evidence adduced to-day would be overthrown to-morrow, and the most partial opinion might be formed as to the character of evidence and charge.³⁰

MR. ROBINSON, a member of the committee, did not think it fair for the House to take the matter out of their hands, and require them to report before they had any thing in a shape to do so.³¹ It was not his business to object. He regarded it however, as a most uncalled for and unusual course.³²

MR. SOL. GEN. H. SMITH complained that the member for Hastings never addressed the House on this subject without alluding to him as the prosecutor of those charges.³³

MR. MURNEY.--Yes! You are the prosecutor. You moved for the enquiry.³⁴

MR. SOL. GEN. H. SMITH said the motion he had submitted was to appoint a committee for the purpose of investigating charges which had been made or which might be made before the committee.³⁵ The House had appointed the Committee, and it was responsible. He thought the motion in accordance with Parliamentary practice.³⁶ He was induced to support it from the consideration that the evidence taken had already been shown to members of this House not on the committee. And if it was to be shown at all, he would say let the whole House and the country see it. Complaints had been made of the dilatoriness of the committee, but he had no doubt that their labours would be closed before the end of the session, and when the evidence came to be printed, it would be seen whether they had been remiss in their duties or not.³⁷ He hoped, however, that the Committee would be able to hand in a final report before the House closed its labors.³⁸

MR. MURNEY said the Solicitor General denied that he was the prosecutor before he became the personal and political friend of the individual whose

character he then endeavoured to tear in pieces, but whom he now sought to screen and whitewash.³⁹

MR. PRES. EX. COUN. MACNAB in reference to the motion before the House, said that all Committees of the kind were open to every member of this House and to the public if they desired to attend. He could not see what objection there should be to the publication of the evidence, and members of the House who were not able to attend personally were entitled to see it.⁴⁰

MR. J.S. MACDONALD of Glengary thought the proceeding without precedent.⁴¹

MR. SOL. GEN. H. SMITH.--The case of Roebuck's motion in England to enquire into the war. The evidence in that case was printed in the newspapers before it closed its labors--it had not yet in fact closed its labours.⁴²

MR. J.S. MACDONALD, this is a different case, involving the investigation of charges of corruption by individuals--⁴³

MR. SOL. GEN. H. SMITH.--So was the other--it was essentially an investigation of alleged malpractices.⁴⁴

MR. J.S. MACDONALD thought the publication of the evidence at this time would frustrate the ends of justice⁴⁵. Whether or not it might be correct as a matter of form, he thought that on public grounds the evidence should not be published until it was complete.⁴⁶

MR. S. SMITH (Northumberland), the Chairman of the Committee, thought the motion of the hon. member for Wolf, was premature and unwise. He considered it would be quite improper at this stage of the proceedings or at any stage of the proceedings to publish the evidence until it was completed. The effect would be that people through the country would read evidence criminating an individual, and form their judgement on that while perhaps they might never have an opportunity of seeing the remainder of the evidence which might entirely rebut that. He did not think then that the publication of the testimony hitherto taken would be an act of justice either to the parties accused or to the Committee themselves.⁴⁷ A great deal had been said in reference to this Committee, and a great deal had been unfairly said. The member for Sherbrooke had, before the adjournment, made a motion calling upon the committee to report then, and in doing so had made allusion to the committee as designed to keep a rod in pickle over the members of the late administration, to prevent them from assuming power. He, as chairman of that committee, felt himself called upon to repudiate any such intention on the part of the committee.⁴⁸ He had never had a word with any member of the Government with any such view, and in fact he had had no conversation with any of them on the subject, except with Mr. Ross, the Speaker of the Legislative Council, who had had occasion to attend the Committee.⁴⁹ It had been done by the house: not by the Government, and it was amenable to, and could be controlled by the former, and not the latter. The imputation was as unfair and absurd as it was untrue. He for one, and he believed he might speak on behalf of all the members of the committee, would resist any dictation on the part of this or any other government. The member for Lambton, too, had been pleased to allude to him (Mr. Smith) as a violent partizan of the late administration, and as desiring to shield them from the charges brought against them.⁵⁰

Now he would put it to the hon. member for Lambton whether he had seen anything in his conduct on this Committee which warranted its being sent abroad to the world, that he had gone upon the Committee as a partisan, or with the view of acting unfairly and with partiality. He utterly denied anything of the kind, and asserted that he went there to do his duty fearlessly and fairly.⁵¹

MR. BROWN said he was glad of an opportunity of explaining the language he had used in regard to the hon. member for Northumberland. The hon. gentleman had mistaken what he said. He was reflecting on the course of the Solicitor (sic) General in moving for the Committee, and not becoming Chairman of it himself, and he remarked that he (hon. Sol. Gen. Smith,) had placed on it as chairman a partisan of the late Administration. But he had no desire to impute any improper or partial conduct to the hon. member for Northumberland in his capacity as Chairman of the Committee. On the contrary he considered that his conduct had been independent and correct, and that not the least reflection could be cast upon it.⁵² The only object of printing the evidence now would be to prejudice the public mind, the committee were most anxious to get through as quickly as possible, and in order to do so they had limited the subjects of inquiry.⁵³

MR. S. SMITH was obliged to the member for Lambton for his frank avowal, though the consciousness of acting rightly was with him a matter of greater importance. He thought, however, that the publication of the evidence at this time would be ill-judged. Another course might be adopted, viz., to limit the time within which the committee should report; it might, he thought, be limited to three weeks.⁵⁴

MR. BROWN said that, so for (sic) as he was person((al))ly concerned, he had not the slightest objection to the motion of the hon. member for Wolfe; but as a member of the Committee, and as a member of this House, he did think it would be a most irregular and inexpedient course to adopt. It was right the House should know that this question of making a partial report had been before the Committee, had been fully discussed there, and negatived and that only two or three days ago, and if he recollected rightly the Solicitor General entertained a very different opinion then from what he does now. (Hear, hear.) He thought it right also that the House should understand the position in which the inquiry now stood. He had taken occasion in previous debates to reflect on the way in which the Committee had been conducted, and especially as to the difficulty of getting a quorum together, but he must say that the last debate had been attended by the most happy results, since then, there had been a complete reform in that respect. Since the chairman came down they had had a meeting every day, and the evidence was being got up with great rapidity, the probability being that it would be brought to a conclusion in three or four weeks. But as yet there was not one single charge on which the evidence was completed; that was to say, there were witnesses they knew of yet to be examined on every one of the matters brought before the Committee. Then there was a large mass of documentary evidence, the whole of the Bowes case for example, and if that was to be printed, the House would be broken up before it could be placed in the hands of members. If left to the Committee, he thought they would probably decide not to print that again. The Committee had accumulated a great mass of evidence, and it came to be a question how much of it required to be printed. But to

print it now would be very unfair to the parties accused, and would lead to no good result. The consequence would be that the report of the Committee would be forestalled by a public opinion based on partial and incomplete evidence. In face of the fact that the matter would be brought to a conclusion in a very short space of time, it seemed a most extraordinary thing that an attempt of this kind should be made to lay the evidence in its present state before the public. There was no desire for haste, three weeks ago when the Committee were doing nothing--why this haste now, when for the first time it was working in earnest? Was there any injustice being done to any one? Had not the accused party plenty of friends on the Committee? Was there not a member of the Administration present at every one of its meetings? Had there been anything done in the Committee which this House would desire to censure? Why then should a demand of this sort be made? Was there a single instance on record in which a Committee of this description had been called upon to report in the way now proposed? It did appear to him to be a most novel and incomprehensible proceeding especially coming from those who were so loud in their demand for inquiry. Of course it could not make the slightest personal difference to any member of the Committee, in what way the House should decide, and certainly the majority of its members were not unfavourable to the late Administration, but the conclusion they had come to, after full discussion of the matter, and considering it in all its bearings, was that it was not necessary to publish this evidence. In order, however to limit their proceedings and to get through them as quickly as possible a resolution had been carried in the Committee, limiting their enquiries to certain charges, and agreeing to take up no new charges after this date. He said nothing as to the propriety of that resolution, but it showed at least the anxiety of the Committee to get the inquiry closed as soon as possible--an object which would not be advanced, if this resolution was agreed to.⁵⁵

MR. HINCKS said that in the position in which he was placed it might be expected that he would express some opinion on the motion before the chair. That motion had been made without any consultation with him, and it was not his intention to offer any opinion whatever as to the expediency of adopting it or not. But he felt it his duty, in consequence of the remarks of the hon. member for Lambton that there was no complaint of injustice to state that he did complain most seriously of the treatment he had received.⁵⁶ He did feel that there had been gross injustice done to him. He did not think that, in the whole Parliamentary history of England there had been a case of any kind or description of any person being treated as he had been in this case.⁵⁷ He had been for the last twelve months held up to the country as having committed high crimes and misdemeanors. He had been now for months on his trial and he was unable even to get a statement of the charges made against him.⁵⁸ He had been advised over and over again to appeal to this House, and he had been assured by gentlemen representing every section of party in this House, that they would come forward and endeavour to see some kind of justice done him.⁵⁹ He had shown the correspondence of the committee to many gentlemen of high level character, and of all shades of politics; and they could not believe such a thing possible.⁶⁰ Only yesterday he received a letter from the Committee which he should have the honour to read to the House, and having done so, he would appeal to any man, he cared not how strongly he might be opposed to him in politics, to make the case his own and say how he would feel himself, if treated in that way. The hon. gentleman then read the letter⁶¹:--

Committee Room, Legislative Assembly,
28th March, 1855.

Sir,--I am directed by the Committee appointed to investigate all charges preferred or alleged against the late administration, to furnish you with the following resolution, passed by the Committee this day:

Resolved,--That the following memorandum now settled, of nine different matters, be adopted as the final list of charges to be investigated by this committee.

MEMORANDUM

1. Grand Trunk Railway Stock.
2. Portland Railway Stock.
3. Victoria Bridge Lots.
4. Montreal Court House.
5. Point Levi Purchase.
6. Hamilton Post Office.
7. Sault Ste. Marie Canada.
8. Debentures, Toronto.
9. Montreal Loan.

I have the honor to be, Sir,
Your obedient servant,
T. PATRICK,
Acting Clerk, Committee.

To the Hon. Francis Hincks, M.P.P.⁶²

Now, could it be believed that, when he respectfully asked for a statement of what this meant, what the charges were, what the allegations were, who were the accusers--that he could get no satisfaction (sic), and could not get even the name of an accuser against him, and yet these accusations were to be kept hanging over him, for it was his belief, and that of all his friends that it was not intended to bring this enquiry to a close at all.⁶³ He thought there was justice in the remark of the member for Northumberland that some time should be fixed for bringing this inquiry to a close.⁶⁴ And most unquestionably any one who wished to keep him in his present position with these charges hanging over him might easily do so for two or three years more by aid of those nine charges, and by bringing witnesses from all parts of the Province to speak to them. And the worst of it was, that he was placed in this position, that even although he was acquitted or found innocent of all those charges, there was no person responsible for any accusation that had been made against him. If any person of any respectability in this Province come (sic) forward and assumed the responsibility (sic) of alleging so and so, that he (Mr. H.) had been guilty of so and so, if he should be proved innocent he would have at all events the satisfaction of knowing that his accuser would stand in the public estimation (sic) as a man who advanced charges which he was unable to maintain. But as matters now stood, no one was responsible for a single charge. He was of opinion and it was satisfactory to him to find that gentlemen with whom he had had no political connection agreed with him that justice had not been done to him, but that he should have been furnished with a specific statement of the charges, and the name of his accuser. It might be said that he should have objected at the time to the vagueness of the motion of the Solicitor General,⁶⁵ to consent to the committee being formed and constructed as it was⁶⁶, and that in consenting to this he had placed himself in the position which he now complained of, but he had supposed that the Committee, before going into an inquiry of this nature, would have had the charges brought before them in a formal way. But how could he tell from the

list he had read what the charges were. If the charge was specifically drawn up, he might possibly at once admit it was true, and the time and expense of summoning witnesses from all parts of the country would be saved. He did think the time was come when some course should be adopted to bring this matter to an end. It was perfectly known to every one that the hon. member for Lambton was the person who was getting up the whole of these charges.⁶⁷

MR. BROWN.--The hon. gentleman is entirely mistaken.⁶⁸

MR. HINCKS.--If it is not the hon. member for Lambton, we should know who it is.⁶⁹

MR. BROWN.--The Solicitor General moved for the committee, but the whole of its members feel that they were appointed to discharge a serious duty, and we are doing it. (Hear, hear.) During the two or three weeks that the Chairman has been down, we have been really working, and I quite agree with the hon. member for Renfrew that the labours of the Committee should be brought to a close this session.⁷⁰

MR. HINCKS proceeded to say that in a previous discussion the hon. member for Lambton complained about the Committee not meeting. He (Mr. H.) was not aware, however, that any one who had a complaint to make had ever been prevented from making it, on account of any difficulty in getting the Committee together.⁷¹

MR. BROWN.--The minutes will shew that.⁷²

MR. HINCKS repeated that he did not believe there had been a case in which a complainant wanting to give evidence had been prevented from giving it, in consequence of the difficulty of getting a meeting of the Committee. He was sure that even his opponents would say that he had not given unnecessary trouble to the House in this matter, and he knew his friends would admit that on every occasion when he had been appealed to, his invariable answer had been--let the Committee alone, I don't want to interfere with them.⁷³

MR. A. DORION (Montreal) said that in the position in which he stood as a member of the Committee, he felt some difficulty in saying anything on the subject.⁷⁴ ((He)) said that if the position of the member for Renfrew in this case was a difficult one, that was not occasioned by any action on the part of the Committee. At the time the motion was made by the Solicitor General, he (Mr. D.) and his friends opposed it on the ground of its vagueness, no particular charge being mentioned in it which the Committee could investigate. The Committee by the motion were instructed to investigate all the charges which had been made or which could be made--those were its terms.⁷⁵ On the first part of the session the witnesses examined were those brought forward by the Solicitor General.⁷⁶ It was ... out of their power to furnish the member for Renfrew with the specific charges, from the very manner in which the investigation had been instituted. No other course was left to them than to take up all charges, as they presented themselves and as witnesses testified to them. Nor could the Committee be properly charged with being too dilatory in their proceedings, for, since the President came down, he believed not one day had been lost, and from day to day they had been sitting from 10 till 12, 1, and 2 o'clock.⁷⁷ The

greater number of the witnesses examined before them, had occasion to refer to books in order to give their testimony which was a cause of delay.⁷⁸ He did not think therefore that the Committee could be fairly accused of any want of diligence in the matter. As to the letter sent to the hon. member for Renfrew, he thought the sending it to him must have been a mistake. The list he had read was a mere memorandum of the Committee for their own guidance, and did not profess to state the charges specifically.⁷⁹ These charges were not necessarily connected with the hon. member for Renfrew. They were connected with members of the late administration generally⁸⁰. It was impossible for the Committee to make any specific statement of the charges. They had neither authority nor power to do so, but were obliged to take them down just as they came from the mouths of the witnesses.⁸¹ Every member of the Committee ((w))as desirous of bringing this investigation to a termination; and although he wanted to leave next ... week, when the House would break up during the Easter recess, he was willing to remain here to bring the enquiry to a speedy conclusion. Although he was not at liberty to tell what took place in committee--he would say that the hon. member for Renfrew was mistaken when he accused the hon. member for Lambton as being his accuser.⁸² If there was any accuser at all, it was the present administration which had introduced the motion for the appointment of the Committee, and if any injustice had been done him, it certainly had not been by the hon. member for Lambton.⁸³

MR. HINCKS asked if it was not the fact that parties who had any information to give were hunted up, had notices served upon them, were called upon by somebody or other. Who was it that sent over the whole country hunting up those parties?⁸⁴

MR. BROWN said an answer to that question was easily given. When the Committee met, the question arose, what would be taken up next? It would be said that there was a charge made by perhaps a member of the House of Assembly or in some public newspaper. The party who had made the charge was then sent for, and either told what he knew of it himself, or gave the name of the party from whom he had his information, and in this way the whole facts were sought to be got at.⁸⁵

MR. HINCKS.--Oh, of course no one is responsible!⁸⁶

MR. BROWN.--The House is responsible, that directed the committee to inquire. If the House wanted the inquiry to cease let it say so⁸⁷, and the committee would be glad to be rid of a disagreeable duty. (Hear, hear.) It might seem strange that a member for Renfrew should have been furnished with the list he had read, but the hon. gentleman or the Attorney General of the late Administration had attended the meetings of the Committee, one or other of them had heard all the discussions, and knew as well about every proceeding taken and every word spoken as any member of the Committee. And this list about which so much noise is made was not, as represented, a grave specification of charges, but an informal memorandum pencilled down by the chairman in the presence of Hon. Mr. Ross, who made no objections to it. It was never intended to be formally sent to the hon. member for Renfrew, and how it had come to be enclosed to him in the way mentioned, he Mr. Brown could not imagine.⁸⁸

MR. HINCKS said that, Hon. Mr. Ross, had on a former occasion written to the Committee objecting to the vagueness of the charges, but was refused any

definite information of what the charges were. The hon. member for Lambton said that he (Mr. H.) understood all about them. That was not the case. There was the 4th item on the list for example, "Montreal Court House." He declared most solemnly that he was in as total ignorance as the child unborn of what was involved in that charge or what it meant.⁸⁹

MR. A. DORION said the Solicitor General's motion embraced the charges against all the members of the late administration. The Ex-Inspector General therefore was not to conclude that every charge was directed against himself.⁹⁰

MR. FELTON withdrew his original motion and asked to substitute one directing the committee to report in three weeks time. As for the motion for the committee, he repudiated the idea of being an accuser. He believed there must be something in the charges because he read them in a paper under the control of the member for Lambton, and did not suppose that a gentleman so well informed as the hon. member for Lambton, could bring such accusations without cause.⁹¹

MR. ROBLIN would vote for this motion as the chairman had said three weeks were long enough to complete the business.⁹²

MR. MACKENZIE was the first to get up a committee of this kind. He thought the Committee should be allowed to take their own time, and the House ought not to interfere with them. As to hurrying them on, he did not think there was any necessity for it. He was notified to attend before the Committee on to-morrow morning at 10 o'clock although he knew nothing whatever about their proceedings.⁹³

MR. J.S. MACDONALD thought the whole difficulty arose from the defect in the reference. It would have been absurd for the committee to meet and then to have said that because no one came forward to make charges, that they must acquit the accused. Their duty was to look into charges which had become public.⁹⁴

After some further discussion, in which MR. PRES. EX. COUN. MACNAB, MR. COM. CR. LANDS CAUCHON, ... and others took part, as to the time being limited for printing the evidence received by the Committee,⁹⁵

MR. HINCKS suggested that the best thing would be to let the committee understand among themselves that they would close at least the evidence in a certain time.⁹⁶

MR. S. SMITH would take no such responsibility. If the committee were to be stopped, let the House say so. As to the paper Mr. Hincks had read everybody knew perfectly well what the charges meant.⁹⁷

MR. HINCKS had one other remark to make: it was to remove a misapprehension. There was nothing to prevent the House appointing another Committee if any new charges rendered the occasion necessary. He was well satisfied that the Committee had a great deal of trouble from the mass of evidence before them in proceeding with their investigation.⁹⁸

It was accordingly agreed by the House that the motion should be withdrawn.⁹⁹

FOOTNOTES: 30 MARCH 1855.

1. Act 16 Vic. cap. 53 pertains to a Bill granting certain lots, in Bytown, to the Bytown and Prescott Railway Company. This is not relevant to the petition of O. Klotz and others, Clerks of the Division Courts. It is more likely that the Act here listed in the JOURNALS should be Act 16 Vic. cap. 177 which was a Bill to amend the Division Court Act of Upper Canada.
2. GLOBE, 14 April 1855.
3. TORONTO DAILY LEADER, 7 April 1855.
4. IBID.
5. IBID.
6. GLOBE, 14 April 1855.
7. TORONTO DAILY LEADER, 7 April 1855.
8. GLOBE, 14 April 1855.
9. MONTREAL GAZETTE, 2 April 1855.
10. GLOBE, 14 April 1855.
11. TORONTO DAILY LEADER, 7 April 1855.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. GLOBE, 14 April 1855.
18. TORONTO DAILY LEADER, 7 April 1855.
19. IBID.
20. IBID.
21. LE PAYS, 5 April 1855.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. MORNING CHRONICLE, 2 April 1855.
29. TORONTO DAILY LEADER, 7 April 1855.
30. IBID.
31. GLOBE, 14 April 1855.
32. TORONTO DAILY LEADER, 7 April 1855.
33. GLOBE, 14 April 1855.
34. IBID.
35. IBID.
36. TORONTO DAILY LEADER, 7 April 1855.
37. GLOBE, 14 April 1855.
38. TORONTO DAILY LEADER, 7 April 1855.
39. GLOBE, 14 April 1855.
40. IBID.
41. TORONTO DAILY LEADER, 7 April 1855.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. GLOBE, 14 April 1855.

47. IBID.
48. TORONTO DAILY LEADER, 7 April 1855.
49. GLOBE, 14 April 1855.
50. TORONTO DAILY LEADER, 7 April 1855.
51. GLOBE, 14 April 1855.
52. IBID.
53. MORNING CHRONICLE, 4 April 1855.
54. TORONTO DAILY LEADER, 7 April 1855.
55. GLOBE, 14 April 1855.
56. TORONTO DAILY LEADER, 7 April 1855.
57. GLOBE, 14 April 1855.
58. TORONTO DAILY LEADER, 7 April 1855.
59. GLOBE, 14 April 1855.
60. MORNING CHRONICLE, 4 April 1855.
61. GLOBE, 14 April 1855.
62. TORONTO DAILY LEADER, 7 April 1855.
63. GLOBE, 14 April 1855.
64. MORNING CHRONICLE, 4 April 1855.
65. GLOBE, 14 April 1855.
66. MORNING CHRONICLE, 4 April 1855.
67. GLOBE, 14 April 1855.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. TORONTO DAILY LEADER, 7 April 1855.
75. GLOBE, 14 April 1855.
76. MORNING CHRONICLE, 4 April 1855.
77. GLOBE, 14 April 1855.
78. TORONTO DAILY LEADER, 7 April 1855.
79. GLOBE, 14 April 1855.
80. TORONTO DAILY LEADER, 7 April 1855.
81. GLOBE, 14 April 1855.
82. TORONTO DAILY LEADER, 7 April 1855.
83. GLOBE, 14 April 1855.
84. IBID.
85. IBID.
86. MORNING CHRONICLE, 4 April 1855.
87. IBID.
88. GLOBE, 14 April 1855.
89. IBID.
90. IBID.
91. MORNING CHRONICLE, 4 April 1855.
92. IBID.
93. TORONTO DAILY LEADER, 7 April 1855.
94. MORNING CHRONICLE, 4 April 1855.
95. TORONTO DAILY LEADER, 7 April 1855.
96. MORNING CHRONICLE, 4 April 1855.
97. IBID.
98. TORONTO DAILY LEADER, 7 April 1855.
99. IBID.

MONDAY, 2 APRIL 1855.

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MR. SPEAKER communicated to the House, the following Letters:--

Government House, Quebec, 31st March, 1855.

Sir,--I have the honor, by direction of the Governor General, to inform you, that it is His Excellency's intention to proceed to the Legislative Council Chamber on Monday next, the 2nd of April, at Three o'clock, to assent, in Her Majesty's name to certain Bills passed by the Legislative Council and Legislative Assembly.

I have the honor to be, Sir,

Your most obedient humble Servant,

Bury,
Civil Secretary.

The Honorable The Speaker of the Legislative Assembly,
&c., &c., &c.

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Government House, Quebec, 2nd April, 1855.

Sir,--I am directed by His Excellency the Governor General to communicate to you his regret, that owing to the state of the weather it will be impossible to carry out the arrangement with reference to giving the Royal Assent to certain Bills at the Legislative Council at Three o'clock this day.

I am commanded, therefore, to announce His Excellency's intention of going down to the Legislative Council for that purpose, To-morrow, the 3rd instant, at half-past Three o'clock.

I have the honor to be, Sir,

Your most obedient humble Servant,

Bury,
Civil Secretary.

Honorable Louis V. Sicotte,
Speaker, Legislative Assembly.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Bell,--The Petition of the Municipal Council of the United Counties of Lanark and Renfrew.

By Mr. Sidney Smith,--The Petition of the Cobourg and Peterborough Railway Company.

By Mr. Bourassa,--The Petition of the Reverend R. Robert, Curé, and others, of the Parish of Blairfindie, in the County of St. John's, Dorchester.

By Mr. Darche,--The Petition of Simon Bertrand and others, of the Parish of St. Mathias, in the County of Rouville, Censitaires.

By the Honorable Mr. Rolph,--The Petition of Oliver Blake and others, Clerks of Division Courts for the County of Norfolk.

By Mr. Papin,--The Petition of the Reverend Narcisse Guérout and others, of the Parish of Lanoraie, in the County of Berthier; and the Petition of the Reverend Eugène Desmarais, in behalf of Les Religieuses des Saints Noms de Jésus et de Marie, residing at Beauharnois.

By Mr. Loranger,--The Petition of the Mechanics' Institute of St. Hyacinthe.

By Mr. Ferrie,--The Petition of John Craig and others, of the County of Waterloo; and the Petition of Alexander Buchanan and others, of the County of Waterloo.

By Mr. Crysler,--The Petition of the Municipality of the Township of Finch, in the County of Stormont; and the Petition of William Johnstone and others, of the Township of Finch, in the County of Stormont.

By Mr. Sanborn,--The Petition of Samuel Pope and others, of Eaton and other Townships.

By Mr. Bellingham,--The Petition of William Campbell and others, of the rear of Grenville, in the Township of Harrington.

By Mr. Foley,--The Petition of Graham Watson and others, of the County of Waterloo; and the Petition of John B. Snyder and others, of the County of Waterloo.

By Mr. Frazer,--The Petition of William Woodruff and others, of the Township of Niagara; the Petition of the Municipality of the Township of Bertie, in the County of Welland; the Petition of Adam Young and others, of the County of Welland; the Petition of John Stark and others, of the County of Welland; the Petition of Jacob L. Dell and others, of the County of Welland; the Petition of William Wilkins and others, of the County of Welland; the Petition of Henry Jesse and others, of the County of Welland; and the Petition of Walter Henderson and others, of the County of Welland.

By Mr. Mackenzie,--The Petition of Liberty Watrous and others, of the County of Leeds; the Petition of Samuel Falconbridge and others, of the County of Wellington; the Petition of the Reverend H. Dockham and others, of the County of

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York; the Petition of Robert Lambert, senior, and others, of the County of Lincoln; the Petition of Jacob Turner and others, of the County of Haldimand; and the Petition of Romulus B. Cook and others, of the County of Ontario.

By the Honorable Mr. Robinson,--The Petition of J.L. Willson and others, of the City of Toronto.

By Mr. Hartman,--The Petition of Joel Draper, senior, and others, of the United Counties of York and Peel; the Petition of Alpheus Davis and others, of the United Counties of York and Peel; and the Petition of William Hilborn and others, of the United Counties of York and Peel.

By Mr. Desaulniers,--The Petition of C. Rouette and others, of the Parish of Pointe du Lac, in the County of St. Maurice; and the Petition of Calixte Lamie and others, of the Parish of Yamachiche, in the County of St. Maurice.

By Mr. Aikins,--The Petition of Henry Pearson and others, of the County of Peel; the Petition of James McQuire and others, of the County of Peel; the Petition of the Reverend D.B. Merry and others, of the County of Peel; the Petition of Orange Lawrence and others, of the County of Peel; the Petition of Francis Silverthorn and others, of the County of Peel; and the Petition of Thomas Sharp and others, of the County of Peel.

By Mr. Brown,--The Petition of Peter Rogers and others, of the County of Peel; the Petition of John Dow and others, of the County of Carleton; the Petition of the Reverend John G. Bull and others, of the County of Prince Edward; the Petition of John Mair, M.D., Chairman, on behalf of a Public Meeting of the Inhabitants of Kingston; the Petition of Samuel Stewart and others, of the County of Frontenac; the Petition of John Fansher and others, of the Township of Dawn, in the County of Lambton; the Petition of Alfred Scarlett and others, of the Township of Dawn, County of Lambton; the Petition of James Nelson and others, of the Township of Euphemia, County of Lambton; the Petition of Jacob Rymal and others, of the County of Wentworth; the Petition of the Municipality of the Township of McNab, in the County of Renfrew; the Petition of

Archaless Ellis and others, of the Township of Sombra, County of Lambton; the Petition of Samuel McCutcheon and others, of the Township of Vaughan; the Petition of the Reverend William Lohead and others, of the County of Carleton; the Petition of Henry McKenney and others, of the County of Essex; the Petition of Adam L. Argo and others, of the County of Wellington; and the Petition of A.G. Hall and others, of the County of Lanark.

By Mr. Larwill,--The Petition of Edwin Larwill, Esquire, and others.

By Mr. Laberge,--The Petition of L'Institut Canadien of Iberville.

By Mr. Alleyn,--The Petition of Messieurs A. Paterson, Young and Company, and others, of the City of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Town Council of the Town of Simcoe; praying for a Charter to construct a Railroad from Amherstburg on the Detroit River, to connect with the Woodstock and Lake Erie Railway at Simcoe.

Of Major J. Schagel and others, of the County of Argenteuil; praying that no change may be made in the limits of the said County.

Of John Cockburn and others; of the Reverend J. McLachlan and others, of the County of Halton; of the Reverend J.W. Constable and others, of the County of Argenteuil; of the Reverend Walter Scott and others, of the County of Argenteuil; of John Snell and others, of the County of Peel; of Thomas Webster and others, of the City of Hamilton; and of James McQueen and others, of the Township of Pilkington, in the County of Wellington; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of the School Commissioners of the Village of Fraserville, in the Parish of

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St. Patrice de la Rivière du Loup; praying aid for the construction of a College in the said Village.

Of the College of Physicians and Surgeons of Lower Canada; praying that the Bill to afford relief to certain Medical Practitioners may not pass into Law.

Of Joseph A. Bockus and others, of the Township of Osnabruck; and of the Municipality of the Township of Grimsby; praying for the passing of a Prohibitory Liquor Law.

Of T.S. Grouse, of the County of Middlesex; praying that a Registry Office may be established in each Municipality.

Of Sister Mary Delphine, Superior, and others, Sisters of St. Joseph, of the City of Toronto; praying for an Act of Incorporation.

Of F.X. Ponsant and others, of the Parish of St. François d'Assise, County of Beauce; praying that the Municipal and Road Bill now before the House may not become Law.

Of Samuel S. Burns, junior, and others, of the Township of Oxford, in the County of Kent; and of John Scott and others, of the Township of Oxford, in the County of Kent; praying for the passing of an Act to incorporate a Company for the construction of a Railroad from Niagara Frontier to the Town of Amherstburg.

Of W.R. Macdonald and others, Clerks of Division Courts in the County of Wentworth; praying that the Tariff of Fees allowed them under the Act 16 Vic. cap. 53,¹ may be increased.

Of the Reverend J. St. Aubin and others, School Commissioners of the Parish of St. Félix de Valois, in the County of Joliette; praying aid for the erection of a Model School in the said Parish.

Of William Frederick Whitcher, of the City of Quebec, Editor of the Quebec Gazette; complaining that he has been held to bail to appear at the General Quarter Sessions, by John Maguire, Esquire, Inspector and Superintendent of Police at Quebec, to answer for having written a Letter, which the party to whom it was addressed, and another Deponent, declared to have been sent with the intent of provoking him to challenge the Petitioner to fight a duel; and praying for an enquiry into the premises.

Of Pierre Massé and others, of the County of Berthier, Censitaires; of L.G. Marion and others, of the County of Berthier, Censitaires; and of J.B. Hétu and others, of the County of Berthier, Censitaires; praying certain amendments to the Seigniorial Tenure Act of 1854.

Of M. Raymond and others, of St. Joseph Rivière des Prairies and other Parishes; praying for an aid to macadamize the Road leading from the Church of Longue Pointe to Côte St. Leonard, or that the same may be placed under the control of the Montreal Turnpike Trust.

Ordered, That the Petition of William Frederick Whitcher, of the City of Quebec, Editor of the Quebec Gazette; the Petition of the Right Reverend the Lord Bishop of Quebec, and the Reverend John Cook, Minister of St. Andrew's Church, Quebec, on behalf of the Trustees of the Protestant Burying Ground in St. John Street, in the Suburbs of Quebec; and the Petition of George Atkinson and others, of the Township of Durham, be printed for the use of the Members of this House.

Ordered, That the Petition of J.G. Wilson, Reeve, and others, of the Town of Simcoe, be referred to the Select Committee to which was referred the Bill to amend the Municipal Corporation Acts.

Ordered, That the Petition of the College of Physic(i)ans and Surgeons of Lower Canada, be referred to the Standing Committee on Miscellaneous Private Bills.

MR. DUFRESNE moved for a detailed statement respecting timber licenses granted by the Crown, wood cut, &c., and dues collected for lumbering operations within the county of Leinster, from January 1851 to January 1855. He had been given to understand that immense limits, leagues in extent, of the Crown Lands, were being despoiled of their timber and the Province receiving no compensation.²

MR. AT. GEN. DRUMMOND admitted that losses had been suffered by government by this kind of robbery of the public domain in different parts of the country--but they had endeavored to remedy the defects in the system of collecting the license fees and timber dues, and he believed the appointment of Inspectors for large districts had in some measure had that effect. He believed the returns would show when laid before the House that there had been an improvement in this respect owing to the reform introduced by the government.³

MR. COM. CR. LANDS CAUCHON said the revenue from this source had been within a year or two from a comparatively trifling amount to 70,000L; a fact principally attributable to the improved system of management.⁴

MR. BELLINGHAM thought there should be an agent in each county who could look after the interests of the crown by personal inspection of the domain, and

be easily accessible to those engaged in the lumbering business in his district.⁵

MR. AT. GEN. DRUMMOND thought this a mistake. The very fact of having these local agents at small salaries had led to the frauds complained of. For while nominally attending to the interests of the crown they became speculators in lumber themselves, entering into partnership with persons whom they allowed to plunder limits of their timber. Under that system government did not receive one fifth part of the revenue now received--they should have large agencies presided over by men of character, education and standing, and acquainted with the business, but not in any manner engaged in it. To such men the Province could afford to pay such salaries as would remove to a great degree any temptation for them to enter into improper lumbering speculations themselves--As an instance of the improved working of the new system he might mention the fact that one firm, which for several years had only paid 100L per annum timber dues, had, during the past year, paid 800L, though according to the testimony of the people in the neighborhood they had cut less timber than in the previous seasons. A short time before the visit of the Inspector to the establishment, the head man of the firm had driven to his (the agent's) house, with a beautiful pair of horses, an expensive waggon just purchased in New York, and insisted upon leaving them as a present. The agent very properly declined to receive them, but he feared, had it been a local agent with a petty salary, the temptation might have been too great, the present might have been received and the revenue would have suffered.⁶

MR. BELLINGHAM did not know but these advantage((s)) might be derived from inspectors of large districts, but he believed that local agents were much needed at such places as Buckingham, for instance, in order that the trade might be afforded reasonable convenience.⁷

MR. EGAN said it was a general matter of complaint up the Ottawa, that the lumber dealers had to come all the way to Montreal to get their licenses, and not only the large lumber dealers but actual settlers on small blocks of land were subjected to a like hardship.⁸

MR. AT. GEN. DRUMMOND was not certain that Montreal was the best place for the residence of this agent. That was a matter which the government would take into consideration.⁹

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On motion of Mr. Dufresne, seconded by Mr. Terrill,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a detailed Statement shewing the names of the Persons or Companies at present holding Licenses to take wood on the lands belonging to the Crown, with the date of such Licenses, the extent granted by each, the situation of the lands, their quantity, and the kind of wood taken in virtue of such Licenses, the amount paid by each Person or Company, and the dates of such payments, from 1st January, 1850, to 1st January, 1855; likewise, the quantity of wood taken and the sums paid by any other individuals in each year, during the same period, not possessing such License or Permit, the names of persons who have thus paid for wood within the said boundaries, and the dates of payment.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Langton have leave to bring in a Bill to make further provision for the Geological Survey of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the sixteenth instant.

Ordered, That Mr. Bureau have leave to bring in a Bill to authorize the redemption of certain Ground Rents in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the seventeenth instant.

Ordered, That Mr. Sanborn have leave to bring in a Bill to repeal certain Acts and to consolidate the Laws relating to Lessors and Lessees.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the eleventh instant.

On motion of Mr. Hartman, seconded by Mr. Aikins,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of all Correspondence which has passed between the Chief Superintendent of Education in Upper Canada, and any other persons, since the first day of January, 1853, on the subject of separate Schools.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill in relation to Foreign Insurance Companies and Insurance Agents.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of MR. LABERGE, a bill to provide for the establishment of Registry Offices in all Counties in Lower Canada, was read a first time.¹⁰

MR. AT. GEN. DRUMMOND said that ever since the passage of the Representation Bill, which had altered the boundaries of so many Counties, it had been his intention to introduce a bill which would provide for the establishment of new Registry Offices wherever they might be found necessary or desirable. But it would be necessary to fix the chief (sic) lieu or County town in each case by such a bill, and he thought that should be left to the municipalities themselves; after they had done that under the new municipal bill, they might then fix the Registry Offices at such places, and prevent farther change. He would unite a measure of this nature with a bill for the decentralization of the Judiciary, which he intended to prepare during the coming recess, and lay before the House early next session. He had thought it the better plan, instead of

having so many Registry Offices for small districts, to have but one for each new judicial district, kept at the same place as the local courts were held; but he was afraid the people would not be satisfied with this. They could not have a court for each county; but must have unions of Counties, as he intended to give the local judges original jurisdiction in all matters, whatever the amount, with a right of appeal in certain cases.¹¹

MR. A. DORION of Montreal was understood to express similar views to those of the Attorney General, thinking it better to wait for the new judicature bill before legislating farther on this point.¹²

MR. CHABOT thought it better that there should be but one Registry Office in each small judicial district, kept at the same place of the local Courts. This subject of registration was a matter of vital importance, the adoption of a good system being necessary to insure confidence on the part of capitalists, and induce them to invest their money in real estate in this country. He deprecated frequent changes as likely to lead to confusion and difficulty.¹³

MR. J. DORION, of Drummond and Arthabaska, said such a system might answer very well in some parts of the country. It might answer the several ridings of Montreal to go to the city of Montreal, or the county of Quebec to the city, or it might suit the counties of Bagot and St. Hyacinthe to go to St. Hyacinthe; but in some cases the Registry Offices were already too far away for the convenience of the owners of real estate. In his county some of the inhabitants had to go 90 miles, and this was a grievance which ought to be remedied. He thought those counties now applying and showing such cases of hardship as that, should be relieved by one bill, leaving any general measure on the subject over to another session if they liked.¹⁴

MR. SANBORN thought there should be a general bill for the whole Province, which should be based upon a fuller information respecting details than they were now possessed of. He quite agreed with the Attorney General that the matter should be left over.¹⁵

MR. FELTON expressed similar views to those advanced by Mr. Dorion of Drummond and Arthabaska.¹⁶

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Ordered, That Mr. Laberge have leave to bring in ... a Bill to establish Registry Offices in all the Counties in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twelfth instant.

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James Shaw, Esquire, Charles Daoust, Esquire, Robert Ferrie, Esquire, Robert Brown Somerville, Esquire; Chairman, John Wilson, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, their Names were called over; and John Wilson, Esquire, not appearing within one hour after Four of the clock this day,

On motion of the Honorable Mr. Merritt, seconded by Mr. Langton,

Ordered, That the 74th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That John Wilson, Esquire, Member for the Town of London, having been appointed to serve as one of the Members to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, and not having attended in his place within one hour after Four of the clock this day, being the day appointed for the swearing of the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House.

On motion of Mr. Papin, seconded by Mr. Antoine Aimé Dorion,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Statement shewing the amount collected up to the first of January last by means of the Tax imposed for the erection of the Court House at Montreal, the amount paid out of the sums so received, to whom it was paid, and for what reasons; also, shewing the amount remaining to be paid in virtue of the contracts entered into by the Government for the completion of the said Building.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Resolved, That a Select Committee, composed of Mr. Hartman, Mr. Solicitor General Smith, Mr. Loranger, the Honorable Mr. Cameron, and the Honorable Mr. Chabot, be appointed to enquire into and report upon the best mode of arranging the Orders of the Day, so as to expedite the business of the House.

The Serjeant-at-Arms attending this House, informed the House, That he had been unable to comply with the Order of the House of this day, to take into his custody John Wilson, Esquire, in consequence of the severe illness of that Gentleman.

Whereupon the Honorable Mr. Merritt read in his place, and handed in at the Clerk's table, a Declaration under oath, of the said John Wilson, Esquire, setting forth, That during the last night he became seriously indisposed, and was then quite unable to leave his room; that by the mail of Saturday last, he was informed of distressing tidings from his family, and that he intended to leave for home this morning, but was unable from the same indisposition to do so.

On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Cameron.

Ordered, That the 76th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Resolved, That the cause shewn in the Affidavit of John Wilson, Esquire, for his absence from this House this day, is satisfactory; and that his attendance be dispensed with as Chairman of the Select Committee on the Argenteuil Election Petition.

Ordered, That the Petition complaining of an undue Election and Return for the County of Argenteuil, be referred back to the General Committee of Elections.

MR. BROWN moved the second reading of the Bill to abolish the Rectories.¹⁷

MR. FELTON hoped that the hon. member for Lambton would consent to waive the first two orders, so as to allow him to proceed with the third. He had been

unfortunate enough to lose the day on which it was set down for the First Order, in consequence of a Government measure taking the precedence, and if he lost this evening also, it might be a considerable time before it could be taken up.¹⁸

MR. BROWN said he was quite prepared to proceed with both his Bills this evening, but if the House wished the Prohibitory Liquor Bill to have the precedence, he would give way.¹⁹

Cries of "No, no! Go on."²⁰

MR. AT. GEN. DRUMMOND hoped that the honorable member for Sherbrooke would put off his measure, which was of no ordinary importance (sic), until after²¹ the Easter recess, several gentlemen being now absent who would wish to be present at its discussion.²²

MR. FELTON was very sorry that he could not comply with the request of the Attorney General, but he had already put off his bill once or twice, and he²³ could not consent to postpone his Bill for one hour longer. (Hear, hear.)²⁴

Cries of "It's not the first motion."²⁵

((MR. FELTON:)) Of course it is not the first order of the day, and if the House decided that the orders of the day are to be proceeded with in their regular order, there is no help for it.²⁶

MR. BROWN said he was quite willing to take whichever course the House wished. He could not deny that the Prohibitory Bill would require more time to mature, that his two measures which were quite short--and it was very clear that if the Attorney General succeeded in throwing it over until after the recess, it would be fatal to the measure for the session.²⁷

MR. AT. GEN. DRUMMOND.--Let the orders of the day be taken up in their order.²⁸

MR. MACKENZIE said that this was not a Government day, and the Attorney General East had no more right to dictate in this matter than any other member.²⁹ He had given up his own bill seeing that the honorable member for Sherbrooke was thoroughly in earnest, and he was glad to see was determined to proceed with the Bill which he had introduced. The Attorney General wanted to shuffle it off--aye! much credit may it do him! He hoped the member for Sherbrooke would persevere³⁰. He was glad also that the hon. member for Lambton, knowing the strong feeling that prevailed throughout the country and that a Reform of this kind was the basis of all others, had expressed his willingness to give the Prohibitory Bill the precedence.³¹ He (Mr. Mackenzie) thought the House was, in so cold a night, just in a humor to discuss the temperance question with becoming gravity.³²

MR. FELTON then moved that the First order of the Day be not now taken up, but that the Third order be taken up in its place.³³

MR. SICOTTE the SPEAKER.--The motion is out of order.³⁴

DR. CHURCH was very sorry--(Order! order!)³⁵

MR. AT. GEN. DRUMMOND.--It can't be done unless the whole House consent to it.³⁶

MR. BROWN said that, if he were to allow his two orders to be simply passed over, they would go to the bottom of the list, and might never again come up during the session. He would therefore now move the second reading of the Rectories Bill, and the hon. member for Wolfe might move in amendment that the second reading be postponed till some future day--say Monday week--and to be then the first order.³⁷

MR. FERGUSON seconded the motion.³⁸

MR. FELTON accordingly moved, in amendment, that the said Bill be read a second time this day fortnight, and be then the first order of the Day.³⁹

MR. CAMERON.--I move an amendment to Mr. Felton's amendment, that the said Bill be read a second time this day six months. (Oh! Oh)⁴⁰

MR. BROWN urged that this amendment was not in order not being an amendment to Mr. Felton's amendment, but to the main motion, which was contrary to the rules of the House.⁴¹

MR. SICOTTE the SPEAKER decided that it was in order; the effect of his decision being to force on the discussion of the Rectories Bill at once, before the Liquor Bill.⁴²

MR. FELTON accused the Government of acting most improperly in trying to keep back a measure on which the whole country was most anxiously looking.⁴³

MR. AT. GEN. DRUMMOND merely asked the hon. gentleman to postpone his bill until after the recess--many members of the house having left the city, not intending to return until Tuesday eight days. Nothing would be lost by such delay, but on the contrary a fuller expression of opinion would be elicited.⁴⁴

MR. MACKENZIE said the Attorney General East had wasted the time of the House by making four speeches against proceeding with this Bill. Not only did the Government occupy three nights of every week with their own measures, but even on one of the nights open to private members, they wasted the time of the House by obstructing a measure which was demanded by a greater majority of the people than any other measure that ever came before this Legislature. (Hear, hear.)⁴⁵

MR. BROWN said he perfectly agreed in the remark of the honorable member for Wolfe, that it ill became the Government on a measure of such great importance, which had been demanded by so many thousands of the population, and which had passed its second reading in this house by so large a majority, to prevent arrangements being come to among private members by which its progress would be expedited. The other night the Government insisted on proceeding with the Militia Bill, which would lay a burden on the public of from 50,000L to 100,000L a year, notwithstanding that honorable members desired it to be delayed till

they could learn the opinions of their constituents. But here was a measure which had been two years before the public, which vast numbers of the best men in the country were anxiously desiring, and yet because some honorable gentlemen happened to be absent, they insisted it should be postponed. He hoped that this would fully open the eyes of the friends of the measure throughout the country to the position which the Government had assumed in reference to it. (Hear, hear.)⁴⁶ He would make way for it, but he could not consent that his two bills which preceded it in the order of the day should go to the bottom of the list with the almost certainty of not being able to bring them up again. (Cries of go on with the order of the day.)⁴⁷

MR. SICOTTE the SPEAKER.--Call the first order, Mr. Clerk.⁴⁸

MR. BROWN ... said:--The bill, Mr. Speaker, of which I have moved the second reading, relates to a subject which at different times has caused great excitement in this country. I know that, in bringing the question before the house, I have to encounter a great deal of prejudice and a great deal of feeling,⁴⁹ even though that property had been wrested unjustly from the people of the Province⁵⁰, but I think if I can succeed in obtaining the ear of the house for a short time, I will be able to remove much of that prejudice. I know that when we bring before this house any question connected with church property, anything that can be at all supposed to trench on the religious feelings of parties in the house or out of the house, we have a delicate task before us, and find it difficult to get honorable gentlemen to come to a fair and dispassionate consideration of the question. But if I can get honorable gentlemen to forget their prejudices for a brief space--if they will but listen to the arguments I am about to submit for their consideration, I feel confident of being able to convince them that this bill is one which commends itself to the good sense of every member of this house. (Hear, hear.) A great deal of misunderstanding exists with regard to this Rectory question. Many honorable members seem to think that the course which has been taken on it by the Reformers of Upper Canada is a dangerous and extreme course--that the question is one of great doubt and encumbered with many difficulties. I am sure, however, that if honorable gentlemen will but look at the question candidly, they will see that the claim of the Upper Canada Reformers to have the rectories abolished is as clear a case of equity as ever came before a legislative body. And I will go the length of saying that, after having heard all the arguments pro and con advanced in the matter for the last ten years,--in my opinion the Rectory question is a much clearer one, and more evidently open for legislation than that great question, recently claimed to be decided, the Clergy Reserves. (Hear, hear.) In support of this opinion I may state, what is known to many honorable members, that the present distinguished Chancellor of Upper Canada, while in Parliament and while both questions were under discussion before the public, declared as a politician that he had no doubt as to our right to abolish the rectories, though he had grave doubts with regard to the Clergy Reserves. (Hear, hear.) I trust, then, honorable gentlemen will dismiss all prejudice from their minds when, after having passed the Clergy Reserve bill brought forward by honorable gentlemen on the treasury benches, they are asked to take a step which does not even go so far as was affected to be gone in that bill. (Hear, hear.) Honorable gentlemen are aware that the Canadian Rectories were not established by any Provincial authority--they were established by the constitutional act of 1791, an act passed by the Imperial Parliament. That act, as honorable gentlemen will

recollect, was not confined to making provision in regard to religious property, but created complete machinery for carrying on the civil government of this Province. It created a Parliament, it created a judiciary, it created the frame work of an ecclesiastical establishment, and provided means for the support of the clergy--all the different parts of the public service were provided for in this act. But it must be remarked that the Imperial Parliament did not create an established church--they did not directly impose on this country Rectories or Clergy Reserves--they merely created the machinery by which this might be done if the Canadian people should at any future time think proper. (Hear, hear.) And especially was this the case with regard to the Rectories. Honorable gentlemen are aware that in the Constitutional act, four clauses especially apply to the Rectories, the 38th, 39th, 40th, and 41st. The first of these clauses authorized the Lieutenant Governor of the Province to divide the country into Rectorial districts; the second gave him power to set aside land from the public domain by an instrument under the great seal for the support of the rectors; and the third clause empowered the Governor to appoint clergymen of the Church of England to the Incumbency of those Rectories, and also to appoint their successors. But the framers of the act evidently felt the danger of forcing such a system on an unwilling people; and they, therefore, provided by a fourth clause, that if these three clauses should ever be acted on, and if at any future time the people of Canada became dissatisfied with the Rectories established under them, the Provincial Parliament should have power to abolish them by statute. The 41st clause of the act of 1791 expressly declares that all the provisions of the previous clauses, "respecting the constituting, erecting and endowing parsonages or Rectories within the said Provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same shall be subject to be varied or repealed by any express provisions for that purpose, contained in any act or acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by his Majesty." The only restriction on this power was that, when any Provincial Act passed on the subject, an intimation of the fact must be laid for thirty days on the tables of the two Houses of the Imperial Parliament, ere the Royal Assent could be given. We have the full power over those Rectories, so long as we comply with that single restriction. Now, Mr. Speaker, it is a remarkable fact that this portion of the Constitutional Act was a dead letter for nearly fifty years. From 1791 to 1835, no action was taken upon it, and no Rectories were established in Upper Canada. So strong was the feeling in the public mind against it, that High Tory as the Government were and disposed to do anything they could to favour a Church Establishment, they yet did not during all that period dare to take advantage of those clauses in the Constitutional Act. In 1835, however, Sir John Colborne, then the Lieutenant Governor of Upper Canada, having a High Church Council, and being himself well disposed to the High Church party, determined to erect fifty-seven Rectories. But I call the attention of the House to this, that Sir John Colborne did not venture to establish those Rectories while in this country. All the documents were prepared while he was here, but it was not till he had left the Province and was on his way to England that they were promulgated and received the sanction of law. (Hear, hear.) Then there was a burst of indignation throughout the country, when it became known that fifty-seven of those Rectories had been established, and that public land had been taken, without the consent of the Provincial Parliament, and in opposition to the clear and often expressed wishes of the people--that 23,000 acres of the

richest and most valuable land in Canada, much of it about cities and towns, had been taken from the Reserve domain and set aside for those Rectories. The excitement was very great, and petitions were sent to England, protesting against what had been done, and calling on the Imperial authorities to revoke the whole proceedings. The Colonial Secretary at once repudiated all participation in the act of Sir John Colborne, and declared that the English Ministry had no knowledge of it. The matter was therefore referred to the Imperial Law Offices of the Crown to decide on the legality of Sir John's proceedings, and these functionaries gave a formal decision on 8th June, 1837. They declared firstly, "That the Lieutenant Governor, with the advice of the Executive Council, could not lawfully constitute and erect or endow any Parsonage or Rectory within the Province without the further signification of Her Majesty's pleasure." Secondly, "That Lord Ripon's dispatch of the 5th of April, 1832, (on which the step proceeded) cannot be regarded as signifying His Majesty's pleasure for the erection of parsonages, or for the endowment of them, or for either of those purposes." Thirdly, "That the erection of the fifty-seven Rectories by Sir John Colborne are not lawful and valid acts." (Hear, hear.) That was the decision of the English Law Officers of the Crown, and when the news came to Canada it gave great satisfaction. But what followed? Archdeacon Strachan, now Bishop Strachan, of Toronto, proceeded to England, and brought such arguments to bear on the Colonial Office that he induced the Government to ask a new opinion from the Law Officers of the Crown, and the matter was put to them in such a shape that I believe an entirely different opinion was obtained.⁵¹

MR. CAMERON.--By laying before them a despatch they had not previously seen.⁵²

MR. BROWN.--I do not think there was any new despatch to be laid before them, but the hon. gentleman will have an opportunity of showing that. When it was known in Canada that, in consequence of this new decision, the proceedings of Sir John Colborne were confirmed and held to be valid, and that these 23,000 acres of land were appropriated to the Church of England, much indignation was again manifested throughout the Upper Province. The Reform party of course always made this a leading question. At every election, at every hustings, at every public meeting, it was brought up and great excitement prevailed. We have the authority of Lord Durham for saying that this establishment of the 57 Rectories, by Sir John Colborne, was one of the chief cause(s) of the troubles of 1837, and "an abiding and unabating causes (sic) of discontemt (sic)." (Hear, hear.) I feel that no one connected with the Reform party will deny that from that time there was an earnest desire, on the part of every Liberal politician of Upper Canada, to have these Rectories abolished at the very earliest moment. I believe that from 1837 to 1848, when the Reformers obtained power by a large majority at the elections, there was an earnest determination all that time to abolish the Rectories, and it was fully understood that so soon as Reformers obtained power, justice would be done in the matter. When therefore, the Baldwin-Lafont(a)ine administration was formed and had had a large majority in both Houses, it was fully expected that the day had come when those proceedings would be corrected, and the property which had been wrongfully taken away from the people without their consent, would be restored to the public domain from which it had been taken. However, when the question was brought up, when it began to be discussed what steps should be taken to put the matter right, the Reform party were met by a cry from the other side--"Oh! You can't

do this--you have no way of obtaining redress in this matter--you cannot open up this question." When asked, why so? they said--"this Rectory question is very different from the Reserves--the Reserves rest on an Act of Parliament--for the Rectory land we have Patents, regular grants from the Crown to the Church." This it must be confessed was rather a staggering argument. Had it been true that the Church had obtained deeds for the land attached to each of those Rectories, it might have been a dangerous precedent to upset them by Act of Parliament--though still when we consider the way in which the land was taken, the way in which the public were robbed of it without any consent on the part of the people of this country, I think that even then we might have been justified in adopting unusual measures. But fortunately no such question arose, for after a great deal of discussion as to the legality of these "Patents," it turned out that the statements made with regard to them were utterly incorrect, and that what were represented to be patents and clothed with all the sanctity of private rights were no patents at all. What is a land Patent? It is a deed given by the Crown, taking a certain property which belongs to the Crown, and transferring to John Doe or Richard Roe the full right and ownership of it--divesting the Crown, of all title and interest in the land, handing it over for the sole use and benefit (sic) of the patentees and their heirs and successors for ever. Now, were the Rectory deeds such patents as these? Did they really convey the right of the property away from the Crown, away from the people of Canada, over to those individual Rectors? Far from it. These so-called Patents merely recited that Sir John Colborne being empowered to erect Rectories by the Act of 1791, and to set aside land for their maintenance, did thereby set ((a))side Lot No. 1, in such a concession of such a Township--to whom? To the Rector? no! To the Bishop? no! To the Church of England? Not at all. Simply "to be appurtenant to the said Rectory." (Hear, hear.) No one party has the slightest vested right in it whatever. The land was merely set aside from the Reserves lands of the Province to a certain special public use, instead of being held for the general public use, precisely as we have Common School lands, and Grammar School lands, and University lands now set aside. And does any one aver that we could not withdraw the School lands from their present use? (Hear, hear.) Well, when we found that this was the case, and that the way was clear, my hon. friend from Niagara, (Mr. Morrison,) then representing the 2nd Riding of York, in the session of 1851, introduced a bill. He saw at once how the thing could be managed, and said--"we will soon show you how much your patents are worth, if the act is repealed, the patents will have no force." And he accordingly introduced a bill, which, without saying a word about the patents, simply said--"be it enacted that the four clauses of the Constitutional Act of 1791, affecting the Rectories, are hereby repealed." When the bill came up for discussion, the hon. member now representing Toronto (Mr. Cameron,) protested against it, as destructive of "vested rights," and as taking away their "patents." "How so?" asked the hon. member for Niagara, "I merely repeal the 38th, 39th and 40th clauses of the Act of 1791, which the 41st clause gives us power to do. You do not deny that we have such power." "No," replied Mr. Cameron, "I do not deny your power to repeal these clauses, but if you do it, the lands will be thereby taken from the Church of England." Now that was precisely what my hon. friend intended by this act, to destroy the Rectoral powers and restore the lands to the people. The effect of it would have been not to touch those patents, but to have prevented any further proceedings under the act of '91--so that when any Rector, say the Rector of Darlington died--having held the 200 or 300 acres attached to that Rectory during his own incumbency, and when the Bishop came to the Governor

wanting a successor appointed, the reply would have been--"I cannot appoint a successor, because the act, authorising me to do so is repealed." From the shrewd way in which the bill was drawn up by my hon. friend from Niagara, it would have accomplished the object most effectually, and the hon. member for Toronto did not deny that we had full right to pass that Bill. But what took place? I am sorry to say that by the Reform Government then in power, and supported by a large majority, a great many of them, as is the case now, having a strong leaning to Church establishments, and a great reluctance to touch Church property, even when it rightfully belongs to the people, and has been taken from them by injustice, the bill was taken out of the hands of the hon. member for Niagara, and referred to a special committee, who so remodelled it, that when it came back, an entirely new bill, my hon. friend from Niagara would have nothing to do with it, and it was taken up by other members, and forced through the House contrary to his wishes. This new bill, it is true, repealed the four Rectory clauses of the Constitutional Act, but in order to prevent the results for which the reform party had ever been contending--namely, the restoration of the lands to the people--it transferred the power of filling up vacancies in any of the Rectories from the Crown to the Church Society of Toronto, and that has been the system in operation since 1851. That was with regard to the appointment of Rectors to succeed the present Rectors, but there was another question with regard to the right of property, to whom the land should belong. One part of the House insisted that the patents had no validity, that not only could they be repealed by an act of the Legislature, but that in addition to that they were totally void on account of fraud in granting them. Well, my hon. friend near me, (Mr. Cameron) and some others, took advantage of that, and said--"we will meet you on this question of fraud--we will leave that to the Law Courts to decide." And the result was, that they got an address passed to the Governor General, to cause a law-suit to be instituted to test the legality of Rectory Patents, a law-suit in which the Bishops and the Rectors were to be on one side, and the people of Canada on the other. And they actually made the arrangement before they commenced it that the Bishops should be provided with money to carry on the law-suit against the country--that the country would pay the costs whether they lost the suit or won it! (Hear, hear.) This suit is still being carried on in the Canadian Courts; after running the gauntlet through them, it is to be carried to England for the benefit of the courts there, and finally decided by the Privy Council. I doubt if you will find a parallel to this proceeding in the whole history of the world. (Hear, hear.) The Government took the ground, that these lands had been taken from the people wrongfully,--and yet they went to the parties who had unjustly held them for 20 years, and said to them--"you have got these lands by wrong means, and we are determined to get them back--however, there is money for you to defeat us--there is the ammunition to carry on the way against us." (Hear, hear.) The address was passed in 1851--it is now 1855, and the suit is still going on.--It has not (sic) even been argued up to this hour.--There are a number of lawyers on both sides, who are fighting it out, and the people of Canada are supplying the ammunition to carry it on, on both sides. (Hear, hear.) The property at stake in this suit, and in the Bill now before the House, amounts, as I have stated, to 23,000 acres, a great deal of it being very valuable, and a large portion of it in the city of Toronto. What the value of it may be, it is difficult to tell, but the lowest estimate I have heard put upon it is 200,000L. Now, I wish to call the attention of the House to this circumstance, that the law-suit in question was a mere expedient to put off the evil day, in

order to meet a political difficulty--that there was no ground for it whatever. (Hear, hear.) I say it was a question which should never have been left to the Law Courts to decide--and that the point to be tested in that suit is not of the slightest consequence to the issue (Hear, hear.) It does not signify whether it be established that these patents are illegal, null and void. It does not signify whether that be the case or not. It may be made out that they are perfectly legal and valid, and yet I say that we have full power to abolish them. (Hear, hear.) I say it was not a question for the law courts at all, but that the Constitutional Act empowered the Legislature to decide the question, and we ought not to transfer the power over it, out of our hands into those of any law court whatever. (Hear, hear.) These lands were set aside with the perfect understanding that Parliament would have at any time the right to repeal the Rectory clauses, and take back the property. If the 41st clause does not mean that, it does not mean anything. But if any hon. gentlemen deny that we have the power, I meet them at once by reminding them that we have exercised that power already. (Hear, hear.) The very men who protest against our meddling with the Rectory lands by statute, have done so themselves. Some years ago, a bill was introduced by a member of the Church of England, and carried through Parliament, to authorize the sale of a portion of the property of the London Rectory,⁵³ ((OR)) the Darlington Rectory,⁵⁴ and it was sold by authority of an Act of Parliament, and at the request of the Church of England.⁵⁵

MR. AT. GEN. J.A. MACDONALD.--And for the benefit of the Church of England.⁵⁶

MR. BROWN.--Yes, most improperly. And there was another bill for the sale of a portion of the Peterborough Rectory, which passed this House, but was thrown out by the Upper House. Application was also made by the Bishop of Toronto, asking Parliament to pass an Act authorizing the sale of part of the Warwick Rectory. Now, Mr. Speaker, I care not whether it is for the benefit of the Church of England or for the benefit of the country; if we have a right to legislate for the one party, we have a right to legislate for the other; so long as justice is on our side, it is a mere question of the right to legislate. (Hear, hear.) In these circumstances, I trust the House will feel that, if we are entitled to exercise that right, as undoubtedly we are, we cannot exercise it better than by taking that property which belongs to the public away from the Rectors, respecting the interests of existing incumbents, and securing it for the public, as we have done in the case of the Clergy Reserves. (Hear, hear.) The bill is a very simple one, very easily understood, and goes directly to the point. Its sole object is to declare, as the Clergy Reserve Act did, that while the existing incumbents shall retain possession of the lands during their retention of office--as they die out, the property shall come back to the Crown, and be added to the Common School Fund of the Province. The question is so clear--is one as to which so little doubt can exist, and which has been so much agitated throughout the country--that I feel it is unnecessary to add any further arguments; and, especially, as hon. gentlemen opposite have declared that they are resolved entirely to separate Church and State. As they have set an example by introducing a bill, nominally at least, to abolish the Clergy Reserves, it must follow, as a natural consequence, that we must abolish the Rectories, which are a much greater grievance than even the Clergy Reserves, though not to the same extent, yet on account of the way in which they were created and their placing the Church of England in the position of a dominant Church. (Hear,

hear.) We all know that the circumstances of their creation caused more excitement than even the Clergy Reserves; and I am sure that, at least by members representing Reform constituencies, it must be felt that this measure is a simple act of justice, which has been too long demanded by the Reformers of Upper Canada--and that, in proposing it, we are asking no more than the liberal electors have a right to obtain, as the result of last election. (Hear, hear.)⁵⁷

Mr. Cameron's amendment to give the bill a six months' hoist, was carried⁵⁸.

(786)

The Order of the day for the second reading of the Bill to abolish the Rectories, being read:

(787)

Mr. Brown moved, seconded by Mr. Fergusson, and the Question being proposed, That the Bill be now read a second time;

Mr. Felton moved in amendment to the Question, seconded by Mr. Gould, That the word "now" be left out, and the words, "this day fortnight, and be then the first Order of the day" added at the end thereof;

The Honorable Mr. Cameron moved in amendment to the said proposed Amendment, seconded by Mr. Rankin, That the words, "fortnight, and be then the first Order of the day" be left out, and the words "six months" inserted instead thereof;

And the Question being put on the said Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Blanchet, Burton, Cameron, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Crawford, Cryslar, Daly, Desaulniers, Dionne, Attorney General Drummond, Octave C. Fortier, Fournier, Gill, Labelle, Langton, Laporte, Larwill, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, McCann, Masson, Joseph C. Morrison, Pouliot, Powell, Rankin, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Taché, Terrill, and Thibaudeau.--(42.)

NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Church, Cook, Charles Daoust, Darche, DeLong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Felton, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Jackson, Lumsden, Mackenzie, Matheson, Merritt, Munro, Niles, Papin, Patrick, Prévost, Roblin, Rolph, Sanborn, Scatcherd, and Sidney Smith.--(37.)

So it was resolved in the Affirmative.

And the Question being put on the Amendment, as amended, to the main Question:--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

The next order of the day being read--"Second Reading Bill" to relieve public employe((e))s from Sunday labour:⁵⁹

MR. BROWN said he was prepared to proceed with this bill, but he was still willing to give way at the request of the friends of the Maine Law, if the

government would consent to allow the Sunday Labour bill to retain its place on the Orders.⁶⁰

MR. PROV. SEC. CARTIER and MR. AT. GEN. DRUMMOND.--Go on! Go on!⁶¹

Several Voices.--You must go on!⁶²

MR. BROWN.--No--there is no "must" about it. The course pursued by hon. gentlemen is most unusual and ungenerous, and I am not disposed to submit to it. Mr. Speaker, I yield my right to the hon. member for Wolfe. (Loud cries of hear, hear.)⁶³

MR. FELTON moved the House into committee of the whole on the Prohibitory Liquor Law. The Speaker having left the Chair, and Mr. Sanborn assumed it, Mr. Felton said he would not at this late hour detain the House with any lengthened arguments in favor of the bill. The House had already adopted the principle of the bill by a very large majority.⁶⁴ ((He)) said that the bill, as amended by the special committee to whom it was referred, prohibited the manufacture as well as the sale of spirituous liquors. But after repeated conferences with friends of Temperance in the House as well as many out of the House, they came to the conclusion that the better course would be to put no restrictions on either manufacture or importation, but simply on the sale of spirituous liquors. It would therefore be necessary for him to move certain charges in the bill as amended by the special committee.⁶⁵ The plan adopted would be to sell for medicinal purposes by means of regularly appointed agents. He was quite prepared to meet opposition.⁶⁶ He was sorry to say that in carrying through this bill, he had met with a good deal of opposition from a portion of the House from whom he would not have expected it. A great many bug-bears also were held up which he trusted would turn out to be bug-bears and nothing more. They were told for example that this measure would cause an enormous loss to the revenue, and that it would require an immense sum to compensate those whose business it would destroy.⁶⁷ This permission to manufacture would do away with the pretension that compensation should be given to manufacturers for the destruction of their businesses.⁶⁸ Another of the arguments with which they were continually met was that this law could never be carried out, and that do what we would the consumption of liquors would continue in spite of our utmost exertions. If this latter argument were sound, of course the others would fall to the ground, for if the same quantity of liquors continued to be used as before, the revenue would sustain no injury. But it was said that this was a matter which should be left entirely to moral suasion, and that exertions tending to secure temperance among mankind should proceed, not from the Legislature, but from the pulpit. But if we look at the history of the temperance movement in Great Britain, and in Canada also, we will find ample materials for the entire refutation of that argument. We will find that in England, notwithstanding that very great exertions have been made to promote temperance among the peasantry, among the middle classes, and among the higher classes, and notwithstanding that the drunkard is put under the ban of respectable society--it still remains unfortunately the case that the drinking of spirituous liquors in Great Britain is actually on the increase, the manufacture and sale of these articles in Great Britain having during the last three or four years steadily increased in a ratio of 15 or 20 per cent annually. From the Reports of the Board of Trade it appeared that⁶⁹ the consumption of spirits was in something like the following proportions--in

England 2 gallons per head for every adult male, in Ireland $3\frac{1}{2}$ gallons, and in Scotland 11 gallons per head.⁷⁰ That is an immense consumption, but some perhaps would say: no doubt that may be the case in Great Britain, but thank heaven we are not so bad as that here. It appears, however, from returns laid before Parliament, that our average consumption of ardent spirits in Canada is greater than in Great Britain. (Hear, hear.) In 1851, two and a half millions of gallons of proof spirits were manufactured and imported; in 1852, within a trifle of three millions; in 1853, three and three-quarter millions. Thus, while the average consumption of spirits for every adult male above the age of 15, was 11 gallons annually, in Ireland $3\frac{1}{2}$, and in England 2, in Canada there was an annual consumption of 6 gallons for every adult male. (Hear, hear.) Honourable gentlemen were ready to meet such arguments with derision. There was always a smile when the Maine Liquor Law was spoken of. It was treated as a matter of joke, and child's play. Every one laughed at it. But however the opponents of the movement might be disposed to treat it with derision, he was perfectly satisfied that the general feeling of the country did not coincide with them. Whatever might be the feeling of honourable gentlemen in this House, most assuredly the feeling of the population out of it was singularly unanimous. Much as the House had been occupied on other questions of public policy, this much was certain, that on no one of them had there been so much exertion put forth as on this particular question, to influence the decision of this House. (Hear, hear.) But they were told this was a mere vulgar popular cry, to which as statesmen they ought not to listen. Such a statement might proceed very well from the particular party who professed to despise popular cries, but he trusted the majority of this House were not actuated by such feelings, but would be ready to say that whatever the majority of this country required, the majority of this House would be prepared to carry out. (Hear, hear.)⁷¹

Here a tumbler fell from Mr. Felton's desk, and MR. ROBINSON remarked that there was evidently a glass too much.⁷²

MR. FELTON conceived that practical jokes were the only arguments that the opponents of his bill could employ.⁷³ In reference to the value of the spirituous liquors consumed in Canada, there had been a steady increase in the importations and manufactures, from '51 to '52 of 12 per cent, and from '52 to '53, and '53 to '54, of 19 and 20 per cent. The increase in the value of importations in 1852 over 1851, was 67,000L, in 1853, 129,000L, and in 1854, 230,000L. In 1854 there could not have been a less consumption of ardent spirits alone in Canada than would cost the consumers something more than a million of pounds sterling. (Hear, hear.) Such facts as these showed that, notwithstanding the great exertions which had been made through the agency which the opponents of the Temperance cause were constantly preaching up as the only proper means, those means had proved wholly powerless to check the progress of intemperance. (Hear, hear.) He did not think it necessary to go at greater length in the general arguments in favour of the measure, the principle of which had been affirmed by large majorities of this House. The only matter now was as to the arrangement of the details, and he would therefore proceed to move certain amendments which had been suggested by a committee of the leading temperance members of this House. The first of these was to take off the restrictions from manufacture, imposed by the first clause, already adopted in committee, and he would therefore move the reconsideration of that clause.⁷⁴

MR. TERRILL said he had opposed this bill in the last Parliament, because he did not consider that public opinion in its favour was then sufficiently expressed, a circumstance which he looked upon as absolutely necessary, as such a measure could never be carried out unless supported by a strong public opinion. During the interval, however, which had since elapsed, public opinion had been strongly expressed in its favour, and he was now prepared to support a stringent Prohibitory Law.⁷⁵ ((He)) had listened with very great consideration to his honorable friend from Sherbrooke. He had listened with as much surprise as consideration. That gentleman had gained a great deal of credit, as the recognized advocate of this measure. He had been held up as a champion of Temperance, and he now found him coming down with a proposition which would destroy the vitality of the measure. As the accredited author of this measure, he (Mr. Terrill) felt that his honorable friend was proving traitor to the cause he professed to hold dear. He believed the permission of the manufacture would render nugatory, the other provisions of the bill, and that it would be rejected, and disowned by temperance men themselves. We must have the Maine Law, and nothing short of the Maine Law.⁷⁶ If he was not prepared to carry out what he had undertaken, he should abandon it altogether, and allow it to pass into the hands of those who had been consistent advocates of a Prohibitory Liquor Law.⁷⁷

MR. FELTON said the honourable gentleman who had just spoken seemed very anxious to damage him in the estimation of the public, and particularly of the temperance public. But he could answer him in one word. This bill, as he now prop((o))sed to amend it, was the Maine Law and no other than the Maine Law. The Maine Law allowed both importation and manufacture for the purposes mentioned in the bill. The alteration was discussed at a meeting of the true friends of temperance, at which every member of the committee was present, and with the concurrence of the deputation from Upper Canada they resolved that this was the best course they could adopt, and it was at their suggestion that he introduced the amendment.⁷⁸

MR. HARTMAN did not distinctly hear the proposal made by the hon. gentleman, who had charge of the bill.⁷⁹ ((He)) said he had regretted very much to hear the remarks of the honourable member for Stanstead, (Mr. Terrill). He (Mr. H.) had always been of opinion that the amendment now proposed was a modification they ought to submit to. If they allowed importation he did not see why they should prohibit manufacture for the purposes for which they allowed the sale. If it was right to sell alcoholic liquors for any purposes whatever, it was right to allow their manufacture for the same purposes.⁸⁰ ((He)) thought it would be absurd, if the use of spirits were to be permitted for any purpose, that our own people should be deprived of the advantage of making what was used.⁸¹ It might be argued that an inducement would thus be held out to manufacture spirits for the purpose of their being sold in contravention of the law, but that of course would have to be guarded against. Whenever the people of Canada were prepared to prohibit importation and manufacture, he, (Mr. H.) would be ready to go with them, but as this bill did not prohibit the importation, he did not see why it should prohibit the manufacture. This also would simplify the question of an indemnity. If the bill proved a nullity, as some honourable gentlemen contended, of course there would be no necessity for providing an indemnity. That was a point, however, which would best come up for decision after they saw the practical working of the measure.⁸²

MR. MACKENZIE.--Is there anything in the bill to prohibit export?⁸³

MR. HARTMAN said he believed there was nothing in the bill which would prevent the manufacturer from sending out of the country, but there was little chance of much whiskey going out of Canada, and as for wine and brandy there was not much probability of their being manufactured in the province at all. He trusted the modification now proposed on the bill would be assented to.⁸⁴

MR. ROBINSON having raised the point of order whether the committee could resume consideration of the first clause, after it had been once passed,

It was ruled that in order to do so, a special reference from the House would be necessary.⁸⁵

MR. FELTON then proposed an amendment to the 2nd clause, having the effect of making the punishment on the third conviction under the Act, to be a fine of 10L and imprisonment for not less than one, and not more than six calendar months, which was agreed to.

He also moved the following proviso to be added to the 2nd clause:--
"Provided always that this Act shall not be construed to prohibit the sale of Alcoholic or Intoxicating Liquors in quantities of 30 gallons or more at one time, in the same packages in which the same were actually imported, if imported in bottle, to any manufacturer or importer who may have manufactured or imported the same according to the laws of the Province, and for which a receipt in writing shall have been given by such agent as hereinafter provided."⁸⁶

MR. ROBINSON said it appeared to be the general feeling of the House to let the Bill go through without discussion, but he did not believe there were a dozen members of this House, who believed that when it became law it could be carried out. But, not having had an opportunity of saying anything on the demerits of the Bill before he might be permitted now to explain briefly why he could not vote for the Bill in any form. He was ready to pay all due respect to the large number of petitioners who had asked the Legislature for this measure, but after all, their numbers were not so overwhelming as had been represented. To these petitions only some 43,000 names were attached.⁸⁷

MR. HARTMAN.--80,000.⁸⁸

MR. ROBINSON.--Call it 80,000 then, but,⁸⁹ when it was considered in what way those signatures were procured it was probable that these names did not represent more than a tenth part of the number of adult males. That was a very small number out of a population of 2,000,000.⁹⁰ Nor would he vote against this measure because he was unmindful of the great evil arising from a too free use of ardent spirits. He lived in a part of the country where he was sorry to say that he had seen too much spirits used, but he had lived long enough to see a great change for the better in that respect. He recollected the time when a poor man wishing to have a "bee," would not have dared to ask his neighbours to it, without providing some gallons of spirits, but now that instead of being the rule in Upper Canada was the exception, and was very rarely witnessed indeed. In travelling in Lower Canada again, 30 miles from Quebec, he had been assured that he could not get a glass of spirits nearer than the city itself. Through the influence of the spirits, temperance had progressed very much in Lower Canada, and, in God's name let the movement go on and prosper, instead of their

trying to enforce temperance by Legislative enactments, which all experience had shown could not be carried out.⁹¹ He thought it very inconsistent before the recess to take all the duties on liquors and afterwards to pass a law prohibiting their importation; and quoted the Rev. Mr. Cumming against prohibitory laws. He recommended not this law, but a revisal of the license laws as the true remedy, and maintained that it would be impossible to enforce the law, since in Upper Canada, it had been found that the law which permitted municipalities to refuse licenses had been productive of no results.⁹² They could not make people virtuous by legislation, and spirits would be smuggled into the country in spite of them. He thought the strict temperance people were going too far, and he considered he set a better example than those who only kept sober on cold water, if he kept sober on anything whether stronger than water or not, and at all events he believed he was just as temperate and drunk as little wine as the hon. gentleman who had introduced the bill himself.⁹³ Now if those who were so earnest in advocating would only carry out the existing law by prohibiting the sale of liquors within their municipalities.⁹⁴ The difficulty did not lie with the respectable traders, but with the low grogshops. The law which taking the power of granting licenses out of the magistrates' hands, was an evil⁹⁵. He desired to see some change, ... made in the licensing system, so as to take away the power of granting licenses from corporations and restore it to magistrates. Where corporations had the power of granting licenses, the members to secure their elections had to make friends of the Inn-keepers, and the result was that in Toronto they had 200 taverns, one for every 250 people, every corner store being a tavern.⁹⁶ He would suggest to the government to name an arbitrary board, for the purpose of granting licenses. He voted for the second reading of the bill, and he could not be accused of inconsistency in voting against it now, for when the bill was referred to committee, he little expected they would report it such a bill as the one now before the house.⁹⁷ He quoted the Leader to show how little the law was really observed in Maine⁹⁸. The prohibitory law did not prevent the exercise of crime in the State of Maine. On the contrary, crime was every day increasing.⁹⁹ He had been in several of the Maine States himself, and had never experienced the slightest difficulty in getting anything he wanted. If the law wrought at all, its only effect would be to deprive the poor man of his comforts, while the ... rich man would find it an easy matter to obtain his wines in spite of the Law.¹⁰⁰ But he was quite sure there was not one dozen honorable members in the House who would conscientiously vote for the Bill, knowing it to become an effectual measure. Whether he came back to the House or not, after voting against this question, he did not care. If the Bill passed the House, it would be thrown out of the Legislative Council. Let the hon. gentleman carry the Bill if he could. He would vote against the adoption of the first clause.¹⁰¹ They ought to try as legislators what they could do in a reasonable way to check the evil of intemperance before attempting anything so unreasonable as was now proposed.¹⁰²

MR. JACKSON was surprised that the honorable member for Simcoe should, after voting for the second reading of the Bill, give his vote now against the adoption of the first clause.¹⁰³ ((He)) said that the deep interest which the community felt in this matter was evidenced by the vast number of numerously signed petitions that had been presented on the subject. It had been said that it was an impracticable scheme, that the law could never be carried into effect, but would he be told that, if the Legislature of this country passed a Prohibitory Liquor Law, the people would determine not to carry it out? Grant that it was

evaded in some of the States, would that prove that the people of Canada, who were a law-abiding people, would follow the same course? He believed the people of this country were fully prepared to render obedience to any law which passed the Legislature, more especially a law which they had asked themselves, and in the success of which they were all so deeply interested.¹⁰⁴ There was no father of a family in the country that would not consider the passing of this measure into a law a blessing. If the Revenue suffered by the adoption of the measure; the sooner such a Revenue was bankrupt the better.¹⁰⁵ He did not believe it would, for what was lost on spirits, would more than come in the shape of duties on other commodities, and they would remember also how much would be saved in the expense of the Judiciary of the country, and in the preservation of that great amount of property which was destroyed in consequence of the drinking practices of society. That the Legislature had a right to legislate on such a subject could not be disputed, for they had already imposed legislative restrictions on the granting of licenses. He did not think any one could deny that the Legislature had a right to make such arrangements for promoting the general prosperity and the well-being of the community as they might see to be desirable, when asked to do so by the community.¹⁰⁶ The man who became intoxicated, was instrumental in the destruction of the national wealth as much as the man who would set fire to a public building¹⁰⁷, ((OR)) a farmer who raised fifty acres of wheat had no right to destroy it, because it was his own, for in so doing he destroyed what was national as well as individual wealth. And on the same principle the Legislature had a right to protect the community against the evils resulting from intoxicating liquors, by prohibiting their sale. If the law were passed, he was satisfied there was enough honesty, virtue, good sense, manliness, and integrity among the people of Canada fairly to carry it out. (Hear, hear.)¹⁰⁸

MR. DEWITT also supported the measure, and said they had not only a right to legislate, but that it was their duty to do so. (Hear, hear.)¹⁰⁹ There was abundant proof, that intoxicating drinks were injurious and the cause of crimes without limit. How many minor accidents of all kinds too resulted from the habits of drinking? Why he understood that a surgeon in Boston had said he would lose \$3000 a year¹¹⁰ ((OR)) \$300 a year¹¹¹ by the passage of this law, in consequence of the small number of broken legs and arms that would occur if it passed. Look to((o)) at the prisons; more than three-fourths of those confined were put there under the influence of strong drink. Ought the country to bear all these things--all the taxation that resulted from them, and ought it to do nothing? Some said that the bill would increase the liquor trade; but he did not believe that they were sincere for if they were all the rum sellers would be in favor of it. Then it was said that the law if passed would be violated; but that was the case with all laws, and yet was not considered a reason why laws should not be passed. For himself he felt under a solemn obligation to do what ever he could to stop such aggravated evils, and were he to act otherwise he should feel himself to be an accessory to the crime. It was said also that it was a shame to throw good liquor into the kennels; but the question was whether it was not better to let the liquor go there alone than to throw the man there with it. As to indemnity for the distillers--had they not already killed enough men, that they were to be indemnified because they would not be allowed to kill more? How many more fathers of families were to be sacrificed because these people had already made many widows. He could not talk of moral suasion on such subjects, and he washed his hands of the blood that might flow from not passing

this law. There was a talk about abolishing the punishment of death, and he would like to see it abolished; but he wanted to cut up crime by the roots, and save a multitude of murdered men from being sacrificed.¹¹²

DR. MASSON did not think the gentleman who had just spoken was sincere¹¹³ ((OR he)) had no doubt the old gentleman was sincere; but it would have been a great deal better if he had practised his doctrines.¹¹⁴ He remembered that in the election of '51, a murder had taken place at the hon. gentleman's election. That gentleman had further kept open houses at the last election. He thought that gentleman should act consistently.¹¹⁵

MR. DEWITT denied that he had distributed whiskey at elections and said that the man killed had been a partizan of his own.¹¹⁶

MR. A. DORION (Montreal) called Dr. Masson to order for the indecorous use of the words "old gentleman".¹¹⁷

DR. CLARKE would say nothing about the buncombe of Messrs. Dewitt and Felton; but could for his own part assert that no one was a more consistent friend of temperance than himself.¹¹⁸ They had gone far to make temperance fashionable, and that was the object to be obtained.¹¹⁹ Fifteen years ago he presided at a temperance meeting, and did so three years ago at a meeting of three counties, and during his whole life, he had never taken a glass of wine, beer, or brandy and water at his own table by himself. Few men could say so much. The people of the Province did not believe that the promoters of this bill were sincere because they would still allow importation, and thus a man with 20L in his pocket could import his own liquor and drink every night.¹²⁰ He would resign his position as justice of the peace if the law was passed. He would never sit to convict one man because he was poor, for a crime which it was perfectly legal for the rich man to commit.¹²¹ He did not believe in this class of legislation, and thought it a libel of the farmers of Canada to say that this law was wanted to restrict them in the use of a glass of beer at night. He did not believe there were 500 drunkards among the farmers of Canada, while he did believe that the crime of drunkenness among the well-to-do required restraining.¹²² He was opposed to the principle of a Prohibitory Liquor Law, but if it was determined to go on with it, he would try to make it a thorough measure, by proposing amendments at the proper time, which would have the effect of entirely prohibiting the manufacture and importation as well as the sale of intoxicating liquors.¹²³ Because he thought the rich man ought to set an example to the poor. He thought the drunkard should be punished, and tippling-houses shut up.¹²⁴

MR. INSP. GEN. CAYLEY said he had no apprehensions concerning the loss of revenue arising from this bill if it became law. It would not come into effect during the present season, and he was happy to say that he believed he should be able to make farther reductions in taxation another year--to the amount of 100,000L. It did not matter on what articles that reduction was made, whether by a stoppage of consumption of wine and spirits by the operation of such an act, or by a reduction of duty on tea, sugar, coffee, &c. He was at a loss, however, to understand the object of the hon. and learned member who had charge of the bill, in bringing forward his amendments.¹²⁵ He could not understand why the importation and manufacture was prohibited.¹²⁶ Surely he did not mean to

support them solely on the ground that they made the proposed measure identical with the Maine law. He thought they were bound to make provision for the losses of the trader and manufacturer. The friends of the measure said they did give the merchant time to turn his capital into other channels of trade, but the manufacturer could not do so, and the example of England, when dealing with slavery in the sugar colonies, was one which should be followed in this matter.¹²⁷ He thought the question of duties of no importance, but care should be taken in carrying out the law that no injustice is done to any class of the community.¹²⁸ While, no doubt, this measure would restrain and injure the honest trader, it would offer a direct premium to the smuggler, and he need not dwell upon the amount of crime likely to arise from such a cause.¹²⁹ He did not think the consumption would be at all prevented.¹³⁰

MR. HARTMAN said the bill, as amended, did not forbid the importation, and therefore could not give rise to smuggling. It only prevented the sale upon any but certain authorized conditions.¹³¹

MR. LARWILL moved that the Committee do rise.¹³²

MR. MACKENZIE opposed the motion. He thought that when the House had by a vote 97 to 5 affirmed the principle of the Bill, it was wrong now to ask to have that law broken. He thought the law an experiment worth trying: after all he was prepared to vote for the measure.¹³³

The first clause, as amended, having passed, and the second clause being read,¹³⁴

DR. CLARKE opposed it as giving power to municipalities to name agents to sell liquors. Now where municipalities were opposed to the measure, and he knew there were several which would be, they would license improper persons, who would defeat the object of the law.¹³⁵

MR. HARTMAN explained that they could license only one agent to sell under the provisions of the Act.¹³⁶

The motion for the Committee to rise was lost.¹³⁷

MR. LABERGE asked if it was the intention of the framers of this measure to make any provision for those who should suffer losses by its operation¹³⁸ ((OR he)) thought that indemnity should be provided for those now engaged in the traffic.¹³⁹

MR. FELTON said if the measure proved nugatory, as its enemies declared it would, then no one would suffer loss. If, on the contrary, it caused losses to any one, that was a matter which must be left with the government to provide for; private members could not take it up.¹⁴⁰ He had no doubt when the parties applied for compensation the House would be prepared to grant it.¹⁴¹

MR. MACKENZIE did not see why these men should be provided for. When lotteries were broken up in Britain, no provision was made for the losses of those engaged in them. When gambling houses and fair tables were abolished, no compensation was made to their owners. When swindling houses were recently broken

up in New York, no compensation was talked of. Then why should men be compensated for their implements with which they manufactured, or tavernkeepers for the bottles, &c., in which they sold the vile stuff with which they drugged the people. Here was a proclamation for a fast day, calling for the shutting up of taverns on the 18th of April--would tavernkeepers be recompensed for their loss of profit on that day? This was a great and glorious measure, designed not so much to prevent old men like himself from having their glass of grog when they needed it, or thought they did, but to remove temptation out of the way of the rising generation. He knew of no measure which had excited so much feeling on the part of the orderly, well disposed part of the population in its favor. Only last Sunday several favorable allusions were made to it in several pulpits in the city, and one minister of a Presbyterian Church announced his intention of preaching a sermon next Sunday in its favor.¹⁴²

MR. A. DORION, of Montreal, was convinced the bill would prove a failure, and believed many who support it were also convinced of that fact. He intended to give it his support in order that the experiment might be tried, and had voted for the second reading in order that it might be referred to a committee, and be amended, as he saw a great number of amendments were absolutely necessary. He believed that if it passed there would be such a reaction against it, that people would be clamoring to have it repealed. Experience in those States where it had been adopted proved its inefficiency for the objects aimed at.¹⁴³ It was admitted even by its friends that in three States where prohibitory laws existed the traffic had not been suspended.¹⁴⁴ What was wanted was to prevent the sale of liquors in inns to people who gathered in there from the neighborhood for the purpose of drinking and carousing. There was where the mischief was done. They should not aim to prevent a man to drink wine, if he chose, at his own table, or a traveller in a cold night getting a glass of liquor with his meal when he might stand in great need of it. By adopting some plan of this kind, and enacting a law which every one would make it a point to obey, instead of one which people would rather make it a point to evade, they would much better promote the cause of temperance.¹⁴⁵

MR. LARWILL again moved that the committee rise, which was lost.¹⁴⁶ ((He)) was surprised that more discussion had not taken place on a measure of so much importance. Time had been fully wasted by the leading members of this House in speaking on such comparatively paltry matters as the removal of the Seat of Government, or whether or no Toronto or Quebec should be the permanent seat of Government. This affected the revenue, our social relations, and private prosperity,--it was a question which interfered with constitutional and individual rights, and the great guns of this honorable house so far from opening fire had apparently had their guns spiked by the insidious enemy. The law which we now sought to enact had been in operation in Vermont, in Maine and in several other States of the adjoining American Union, not working too well it would appear, but yet not working sufficient injury to attract much public notice. Before any similar law was enacted here time should be allowed for the effect of sumptuary legislation elsewhere to develop itself, so that we might not stumble into error not easily got rid of. The municipalities whether city or county, are largely involved in debt--for improvements it may be--and then derive their present means of liquidating such debts by licenses--a source of revenue to be rudely cut off from them. We must calculate consequences before by some rude measure the country is made bankrupt. In the early part of the session I moved for the reduction of the duties on tea and sugar, and for the abolition of duties to be

more than compensated for by the imposition of a double duty on malt and spirituous liquors; but the reply of the hon. Inspector General was--"the revenue could not bear it." Now, the consequence of this remark is, that merchants continue to import their whiskies, their brandies, their rums, their wines, their porters, and their ales, and by this time valuable cargoes are half across the sea. That was surely bad enough. People importing on the good faith of a government were to be ruined! But there was another view to take of the matter. Would the brewer or the distiller, who had invested large means and had employed great skill in his establishment, consent to have his property confiscated at the dictum of the sentimental few? He would not. No man would tamely submit to be cheated out of his property even by legislation. Was it likely that the wine merchant would lock his vault at a moment's notice, or that the tavern-keeper or saloon-keeper would forsake their pursuits and consent to sacrifice the capital they had invested. The bill would either be a nullity, or if carried out, lead to insurrection, and be an excuse for the employment of those police and militia forces, which it was evidently the desire of the Government to embody. The friends of this bill seem to think that it has only to pass into law to destroy all the evil there is in the world--the gaols are to be emptied; passion is to cease; churches are to be frequented; there is to be none ragged, nor poor, nor friendless,--the millenium is to come. But, evil, Mr. Chairman, is a condition of man's existence upon earth. There is no good without alloy. Take for example the greatest of all earthly blessings--"wine, woman, and music,"--and each is intoxicating in its way--none more so than the nectar, extracted from the impress of sweet woman's lips!! which maddens the senses and lifts sordid human nature into a heaven of love. Is it because the harlot struts about, whose breath is an abomination, that woman is to be cut off from the earth? Are our fireside pleasures--our wayside joys, our arborial (sic) ecstasies to be dispensed with, because even woman may be corrupt? Could our wives, sweethearts, and daughters knowing the consequences of this law, ever have petitioned for it, as it is alleged they have done? Do they not see that a similar law, if enacted against music, which contributes to revelry and debauchery, would lead to the kicking of our pianos from our parlors and drawing-rooms, to the turning out of our organs from our churches, the destruction of the songsters of the valley, and be the extermination of the warblers in the woods. What a pity these temperance gentlemen had not been consulted when the foundations of the world were laid! No doubt, like Lucifer of old, they would have mounted to high heaven, and have created a revolution there, by interfering with the heavenly exercise of music. They would mount to the throne of God himself, and kick therefrom the cherubims and seraphims of heaven whose duty it was to sing hosannas before the judgment seat. Let any one only go to the college chapel here, and look with wonder and delight on those beauteous pictures of the Crucifixion and of saints ascending, as it were, into the holy of holies, and say if because the same hand that traced these grand and holy conceptions, could and may have ... traced obscene pictures, the heavenly art of painting was to be altogether abolished? No, Mr. Chairman, such things would not do. The same kind of legislation as proposed in the bill for the abolition of the liquor law, might be applied to the press itself--that grand source of intellectual freedom. Why, it is within my own knowledge, and perhaps to my own cost, that two papers--the "Montreal Witness" and "Toronto Examiner,"--libelled me injured the cause they would have promoted, by circulating that which they must have known to be untrue, in associating the prohibitory liquor law with the fugitive slave law of the United States, and in attributing to me motives and language by which I have never been actuated. Pencil and pen may be prostituted, but is it

because of such probability that both pencil and pen may not be useful? Compare the good which the free pen of England has done with the muzzled pen of France, and you have proof that unrestricted liberty of action, so long as the decalogue is not infringed, is best for human weal and happiness as for a country's prosperity. What had these cold water people been or done since first we have heard of them. They had originated and prosecuted the crusades, established the inquisition, constructed the rack, enacted the blue laws, established Mormonism and Spiritualism and many other isms besides. In all ages of the world, they had been pests seeking to arrive at the millenium by a jump; instead of conforming with the laws of nature. And all these things occurred through the simplicity of our good old mother Eve, who ever since she had discovered she was naked and had sewed the fig leaves together to cover her beautiful form, had plunged the wor((l))d in sin. Evil is now a condition of our existence, and admitting that drunkenness is an evil, would it not be still a greater evil to society to interfere with man's free will on earth, or to attempt to curtail his responsibility to heaven?--it may be for this Legislature to assume it. (Immense cheering.)¹⁴⁷

MR. ROBLIN would like to know where the member for Kent had got his new lights on this subject since 1853. He found by a reference to a newspaper, that he had then proposed, in the Town Council of Chatham, to refuse all tavern licenses. If good for Chatham, why was it not good for the rest of the Province? For his part, he believed the measure a good one, required by the country, and should vote for it.¹⁴⁸

MR. LARWILL was very glad the hon. member had brought that vote of his forward. It reminded him of another practical argument against the bill which he had lost sight of. Several of the Councillors had for a long time desired to shut up the taverns, and had been continually proposing to him to adopt such a step. He always had held it impracticable and unjust. But at last he told them he would move in the matter himself. Since they were so desirous to try the experiment he would assist them in it. Accordingly he proposed the resolutions read by the hon. member, and it was carried. Well, what was the result? It was found impracticable; the people rebelled against it, and called upon the Town Council to resign. The advocates of the measure lost caste, and he stood his ground. It was found impracticable in Chatham, and it would be found impracticable everywhere else in the province.¹⁴⁹

On motion of MR. THIBAUDEAU the committee rose, reported progress and asked leave to sit again.¹⁵⁰

(787)

The House, according to Order, again resolved itself into a Committee on the Bill to prevent the traffic in Alcoholic and Intoxicating Liquors; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sanborn reported, That the Committee had made some progress, and directed him to move for leave to sit again.

*Ordered, That the Committee have leave to sit again on Monday the sixteenth instant, and be then the first Order of the day.*¹⁵¹

*Then, on motion of the Honorable Mr. Attorney General Macdonald, seconded by the Honorable Mr. Cayley,
The House adjourned.*

APPENDIX: 2 APRIL 1855.

((QUESTION AND ANSWER RE: SEIGNIORIAL TENURE BILL.))

MR. PAPIN ((asked a question.))¹⁵²

MR. AT. GEN. DRUMMOND promised in answer to ... take measures, immediately after the recess, on the subject of amendments to the Seigniorial Tenure Bill.¹⁵³

((WITHDRAWN MOTION RE: COMPENSATION FOR RETURNING OFFICERS AT THE KAMOURASKA ELECTION.))

MR. CHAPPAIS moved--"That the Deputy Returning Officers for the County of Kamouraska, who appeared in obedience to the Order of this House, to answer for their conduct during the Election held in the month of July last, and who have been honorably acquitted by this House, be, in accordance with their Petition, indemnified for the expense and loss of time to which they have been subjected, and that their accounts be taxed by the Honorable the Speaker of this House."¹⁵⁴

MR. MACKENZIE s'oppose à cette motion, parce que ces officiers-rapporteurs ont été déchargés par l'indulgence de la chambre, et non parce qu'ils ont clairement prouvé leur innocence, car pour lui il les a toujours crus et il les croit encore coupables d'infraction des privilèges de la chambre. Leur conduite était injustifiable et n'a pas été justifiée, et au lieu d'être déchargés, ils auraient dû être envoyés en prison pour avoir enregistré un grand nombre de votes illégaux en disant qu'ils y ont été forcés. Il n'est pas du tout convaincu de leur innocence¹⁵⁵. He had no personal feeling against those Returning Officers, and did not even know their names now.¹⁵⁶ He would therefore, although he should stand alone, oppose their receiving any indemnity.¹⁵⁷

MR. AT. GEN. DRUMMOND said these men had been brought to the bar of this House and acquitted, and he thought it but right their expenses should be paid as in the case of Mr. McLaren.¹⁵⁸

MR. DUFRESNE said a few words.¹⁵⁹

MR. CHAPPAIS dit qu'il faut faire pour eux ce que l'on fait pour M. McLaren. Le gouvernement a fait erreur, car ils ne devaient pas être mis en accusation. Puisqu'ils ont été acquittés par le comité, et qu'ils se sont justifiés devant la chambre par leurs requêtes, sans même employer d'avocats, la chambre ne doit pas hésiter à leur payer leurs dépenses, d'autant plus que ce ne sera qu'une bagatelle.¹⁶⁰

MR. COM. CR. LANDS CAUCHON considered that as the expenses of the Returning Officer of the County of Saguenay had been ordered to be paid, so ought the expenses of these Returning Officers on the same principle.¹⁶¹

MR. FERRES arose not so much to oppose the motion as to know what shadow of right those Returning Officers had to be disbursed their expenses by the public, under the circumstances of the case. Every honorable member in that House knew that the irregularity at that election arose from the conduct of those Returning Officers. The committee appointed by the House to investigate the matter had

found them guilty. When so gross a breach of the privileges of the House had been committed, there ought to be some sort of punishment inflicted on the offending parties. If the freedom of election were allowed to be interfered with in that manner, and the guilty parties not alone escape punishment, but be rewarded for it with impunity, it would be holding out a premium for such conduct in future.¹⁶²

MR. CAMERON said he could not vote for this resolution. The parties it referred to stood in a very different position from Mr. Maclaren, as to whom the House the other day came to the conclusion that he was entitled to an honorable acquittal. But in the present case the returning officers were not discharged on the ground of innocence, but on the ground that the charge laid against them was not sufficiently (sic) formal, that they could be made to answer it. And he for one could not consent to pay their expenses when they had been discharged, not on the merits of the case, but on the ground of a technical informality.¹⁶³

MR. AT. GEN. DRUMMOND said it was not the case that they were discharged on the ground of any informality in the charge. They had been heard by Counsel at the bar, and made out that they were acting under compulsion, and that they made a return to the Chief Returning Officer, pointing out the votes which could not be considered as legal. At the same time he did not think it should be stated that they had been "honourably" acquitted.¹⁶⁴

MR. CAMERON said that at all events that was not the ground on which he (Mr. C.) voted that they should be discharged. The sole ground he took was that the Committee's Report did not contain a specific charge against them.¹⁶⁵

MR. BROWN said he very well recollected the whole circumstances of the case, and could most fully corroborate what had been stated by the hon. member for Toronto. The ground put forward for discharging those parties was just as his hon. friend had stated it. It was said then by hon. gentlemen on the Treasury Benches that there never had been a case in the House of Commons, in which parties had been punished, if no charge had been formally preferred against them in the Report of the Committee. But, if such a charge had been made, every one admitted that they would have been severely punished. He was surprised then that any parallel should be set up between these men, and a gentleman who had proved his entire innocence, and that what he was charged with had been done by another individual. His own opinion still was that the three persons now referred to should have been punished, notwithstanding that technical objection. On that point, however, different opinions might be entertained. But to say that, after all these men had done, after recording hundreds of votes that never were given, after receiving votes from children who were hardly old enough to speak, they were to be not only discharged by this House but have their expenses paid, was the most extraordinary idea that could be conceived of. (Hear, hear.) They pleaded coercion, but all the coercion they attempted to show was that some persons came to them and said you must do so and so, and they did it for hours together. That was the whole coercion (sic) in the case. It did not appear that a single special constable was sworn in, or that they made the slightest effort to carry out the law. Mr. Brown then read extracts from the evidence, showing that children too young to speak were carried to the polling places, and their names taken down by the returning officers--that they took down as many fictitious names as any one liked to give them--and that although coercion was

only pretended to have been used at the particular moment when this commenced, they yet continued taking down these fictitious names for five or six hours together. Instead of paying those men their expenses, he regretted that this House had not sent them to gaol for the largest term that it was in their power to commit them. (Hear, hear.) They talked of coercion, but there was an old saying very applicable to this case that one man might take a horse to the water, but a thousand could not make him drink. He could not understand how a Returning Officer could be compelled to write down names against his will for hours together. He was astonished and grieved that the Government should propose such a thing for a moment, as to pay these men their expenses. They had enough to answer for in helping them to go unpunished for the serious crime they committed.¹⁶⁶

MR. FERRES read extracts from the petition which the Kamouraska Returning Officers had presented to the House, in which they said that the polls were taken possession of by the mob in defiance of their protestations--that they could not justify the conduct of the electors, and that they threw themselves on the mercy of the House. It was absurd for them to talk of "protestations."¹⁶⁷ There was no personal risk that a Deputy Returning officer should avoid in the exercise of his most important duty. After, as they asserted the partizans of one candidate had taken possession of the poll and prevented fair voting, they should have sworn in special constables and cleared it, or they should have closed the poll and made a special return.¹⁶⁸ And when charged with the most gross violations of the law, what answer was it to say that they would not pretend to excuse the conduct of the electors, but that they expected to be paid themselves? (Hear, hear.) It was their duty if they saw that they could not maintain the law to have closed the polls at once.¹⁶⁹

MR. CHAPAIS.--They could not.¹⁷⁰

MR. FERRES.--They could not!--No power on earth could have compelled them to go on taking down votes for hours together, when ... knew those votes were not good.¹⁷¹

MR. SOL. GEN. D. ROSS.--Thought that after these men had been acquitted and discharged, the House was trying them over again, when they had no opportunity of replying or adducing evidence in their defence. This he looked on as a most unfair course. Having been acquitted they should be relieved from any loss they suffered in consequence of the action of the House.¹⁷²

MR. LANGTON said there could be no doubt there had been most disgraceful scenes connected with elections in some portions of the county, and also that a great desire had been manifested by some of the members of this House to screen the guilty parties.¹⁷³

MR. SOL. GEN. D. ROSS.--Name! name!¹⁷⁴

MR. LANGTON.--I refer to the votes, but if the hon. member wants a name, I will name himself. (Hear, hear.)¹⁷⁵ ((OR he)) did not care to make use of anybody's name.¹⁷⁶

MR. SOL. GEN. D. ROSS.--It is totally unfounded¹⁷⁷ ((OR)) name if you can.¹⁷⁸

MR. LANGTON.--Well, if the hon. and learned gentleman was so anxious for a name, he would name himself. These returning officers had apparently been treated with great leniency, and now made that the ground for a most unwarrantable demand. After that, if the motion were granted, no one would feel justified in dealing leniently with such offenders lest that should be wrested to the injury of the public. The plea put in by these men in their petition amounted to a plea of guilty, setting forth extenuating circumstances. Assuredly they were not so free from blame as to justify this demand.¹⁷⁹

MR. STEVENSON thought many members voted for the discharge of these men on the ground that the trouble and expence in which they had been put was punishment enough. He should be ashamed of the conduct of the house if such a motion were granted under such circumstances.¹⁸⁰ ((He)) maintained that, from whatever motive the House had dismissed the complaint against those parties, that they had committed a most grave offence was very evident.¹⁸¹

MR. CHABOT a voté pour les faire décharger, mais il ne peut voter aujourd'hui pour leur faire rembourser leurs dépenses.¹⁸² These Returning Officers had showed terrible weakness.--They should have shown at least ordinary nerve to justify them to an honorable acquittal and the payment of expenses attendant on the investigation of their conduct.¹⁸³

MR. SOL. GEN. D. ROSS rose to make a personal explanation (Cries of "Spoke! spoke.") The hon. member for Peterborough had said that he was one of the persons who had shown a disposition to screen parties charged with those offences. He would like the hon. member to name any vote of his which indicated any such intentions.¹⁸⁴

MR. LANGTON.--I name your vote in the case of the hon. member for Bagot (Mr. Timothy Brodeur.) (Hear, hear, and laughter.) As to the more recent cases of the Returning Officers disposed of in my absence, I will consult the votes. (Hear, hear.)¹⁸⁵

MR. CHAPPAIS then asked permission of the House to withdraw his motion.¹⁸⁶

MR. BROWN considered that, as an ordinary rule, hon. member(s) should be allowed to withdraw their motions, if they desired to do so, but in the present case he thought a vote should be pressed, that it might be seen how nearly unanimous the house were in rejecting the application further, though supported by the influence of Government.¹⁸⁷

MR. MARCHILDON ((spoke.))¹⁸⁸

Some discussion took place on the question whether the member for Kamouraska should be allowed to withdraw his motion, and ultimately¹⁸⁹--

MR. CHAPPAIS was allowed to withdraw the motion.¹⁹⁰

FOOTNOTES: 2 APRIL 1855.

1. Act 16 Vic. cap. 53 pertains to a Bill granting certain lots in Bytown, to the Bytown and Prescott Railway Company. This is not relevant to the petition of W.R. Macdonald and others, Clerks of the Division Courts. It is more likely that the Act here listed in the JOURNALS should be Act 16 Vic. cap. 177 which was a Bill to amend the Division Court Act of Upper Canada.
2. MORNING CHRONICLE, 5 April 1855.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. Telegraph (TORONTO DAILY LEADER, 3 April 1855).
11. MORNING CHRONICLE, 5 April 1855.
12. IBID.
13. IBID.
14. MONTREAL GAZETTE, 9 April 1855.
15. MORNING CHRONICLE, 5 April 1855.
16. IBID.
17. TORONTO DAILY LEADER, 11 April 1855.
18. GLOBE, 16 April 1855.
19. IBID.
20. TORONTO DAILY LEADER, 11 April 1855.
21. IBID.
22. GLOBE, 16 April 1855.
23. TORONTO DAILY LEADER, 11 April 1855.
24. GLOBE, 16 April 1855.
25. TORONTO DAILY LEADER, 11 April 1855.
26. IBID.
27. GLOBE, 16 April 1855.
28. IBID.
29. IBID.
30. TORONTO DAILY LEADER, 11 April 1855.
31. GLOBE, 16 April 1855.
32. TORONTO DAILY LEADER, 11 April 1855.
33. GLOBE, 16 April 1855.
34. TORONTO DAILY LEADER, 11 April 1855.
35. IBID.
36. GLOBE, 16 April 1855.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. TORONTO DAILY LEADER, 11 April 1855.
45. GLOBE, 16 April 1855.

46. IBID.
47. TORONTO DAILY LEADER, 11 April 1855.
48. IBID.
49. GLOBE, 16 April 1855.
50. MORNING CHRONICLE, 7 April 1855.
51. GLOBE, 16 April 1855.
52. IBID.
53. GLOBE, 16 April 1855. A debate of a similar nature took place in the Legislative Assembly on 6 April 1853. Mr. Brown's statement was therefore deemed unjust when he declared that "It has not even been argued up to this hour."
54. MORNING CHRONICLE, 7 April 1855.
55. GLOBE, 16 April 1855.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. TORONTO DAILY LEADER, 11 April 1855.
65. GLOBE, 16 April 1855.
66. TORONTO DAILY LEADER, 11 April 1855.
67. GLOBE, 16 April 1855.
68. MORNING CHRONICLE, 7 April 1855.
69. GLOBE, 16 April 1855.
70. MORNING CHRONICLE, 7 April 1855.
71. GLOBE, 16 April 1855.
72. MORNING CHRONICLE, 7 April 1855.
73. IBID.
74. GLOBE, 16 April 1855.
75. IBID.
76. TORONTO DAILY LEADER, 11 April 1855.
77. GLOBE, 16 April 1855.
78. IBID.
79. TORONTO DAILY LEADER, 11 April 1855.
80. GLOBE, 16 April 1855.
81. MORNING CHRONICLE, 7 April 1855.
82. GLOBE, 16 April 1855.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. MORNING CHRONICLE, 7 April 1855.
91. GLOBE, 16 April 1855.
92. MORNING CHRONICLE, 7 April 1855.
93. GLOBE, 16 April 1855.
94. MORNING CHRONICLE, 7 April 1855.

95. TORONTO DAILY LEADER, 11 April 1855.
96. GLOBE, 16 April 1855.
97. TORONTO DAILY LEADER, 11 April 1855.
98. MORNING CHRONICLE, 7 April 1855.
99. TORONTO DAILY LEADER, 11 April 1855.
100. GLOBE, 16 April 1855.
101. TORONTO DAILY LEADER, 11 April 1855.
102. GLOBE, 16 April 1855.
103. TORONTO DAILY LEADER, 11 April 1855.
104. GLOBE, 16 April 1855.
105. TORONTO DAILY LEADER, 11 April 1855.
106. GLOBE, 16 April 1855.
107. TORONTO DAILY LEADER, 11 April 1855.
108. GLOBE, 16 April 1855.
109. IBID.
110. MORNING CHRONICLE, 7 April 1855.
111. MONTREAL GAZETTE, 9 April 1855.
112. MORNING CHRONICLE, 7 April 1855.
113. TORONTO DAILY LEADER, 11 April 1855.
114. MORNING CHRONICLE, 7 April 1855.
115. HAMILTON SPECTATOR, 14 April 1855.
116. MORNING CHRONICLE, 7 April 1855.
117. IBID.
118. IBID.
119. TORONTO DAILY LEADER, 11 April 1855.
120. MORNING CHRONICLE, 7 April 1855.
121. TORONTO DAILY LEADER, 11 April 1855.
122. MORNING CHRONICLE, 7 April 1855.
123. GLOBE, 16 April 1855.
124. TORONTO DAILY LEADER, 11 April 1855.
125. MORNING CHRONICLE, 7 April 1855.
126. TORONTO DAILY LEADER, 11 April 1855.
127. MORNING CHRONICLE, 7 April 1855.
128. HAMILTON SPECTATOR, 14 April 1855.
129. MORNING CHRONICLE, 7 April 1855.
130. TORONTO DAILY LEADER, 11 April 1855.
131. MORNING CHRONICLE, 7 April 1855.
132. TORONTO DAILY LEADER, 11 April 1855.
133. IBID.
134. MORNING CHRONICLE, 7 April 1855.
135. IBID.
136. TORONTO DAILY LEADER, 11 April 1855.
137. IBID.
138. MORNING CHRONICLE, 7 April 1855.
139. TORONTO DAILY LEADER, 11 April 1855.
140. MORNING CHRONICLE, 7 April 1855.
141. TORONTO DAILY LEADER, 11 April 1855.
142. MORNING CHRONICLE, 7 April 1855.
143. IBID.
144. TORONTO DAILY LEADER, 11 April 1855.
145. MORNING CHRONICLE, 7 April 1855.
146. TORONTO DAILY LEADER, 11 April 1855.

147. MORNING CHRONICLE, 12 April 1855. MORNING CHRONICLE has printed two versions of Mr. Larwill's speech. The lengthiest of the two accounts is that contained in MORNING CHRONICLE, 12 April 1855, and has been reprinted here. The other version can be found in MORNING CHRONICLE, 7 April 1855.
148. MORNING CHRONICLE, 7 April 1855.
149. IBID.
150. TORONTO DAILY LEADER, 11 April 1855.
151. GLOBE, 16 April 1855 reports that "shortly before midnight the committee rose".
152. Telegraph (GLOBE, 3 April 1855).
153. IBID.
154. GLOBE, 16 April 1855.
155. LE PAYS, 7 April 1855.
156. TORONTO DAILY LEADER, 11 April 1855.
157. GLOBE, 16 April 1855.
158. IBID.
159. TORONTO DAILY LEADER, 11 April 1855.
160. LE PAYS, 7 April 1855.
161. TORONTO DAILY LEADER, 11 April 1855.
162. IBID.
163. GLOBE, 16 April 1855.
164. IBID.
165. IBID.
166. IBID.
167. IBID.
168. MORNING CHRONICLE, 5 April 1855.
169. GLOBE, 16 April 1855.
170. IBID.
171. GLOBE, 16 April 1855. The ellipsis represents an illegible word.
172. MORNING CHRONICLE, 5 April 1855.
173. GLOBE, 16 April 1855.
174. IBID.
175. IBID.
176. MORNING CHRONICLE, 5 April 1855.
177. GLOBE, 16 April 1855.
178. MORNING CHRONICLE, 5 April 1855.
179. IBID.
180. IBID.
181. GLOBE, 16 April 1855.
182. LE PAYS, 7 April 1855.
183. MORNING CHRONICLE, 5 April 1855.
184. GLOBE, 16 April 1855.
185. IBID.
186. IBID.
187. IBID.
188. TORONTO DAILY LEADER, 11 April 1855.
189. GLOBE, 16 April 1855.
190. HAMILTON SPECTATOR, 11 April 1855.

TUESDAY, 3 APRIL 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Ferrie,--The Petition of Adam Ferrie, junior, and others, of the City of Hamilton; and the Petition of A. Bigelow and others, of the City of Hamilton.

By Mr. Church,--The Petition of the Reverend W.J. Macdonell and others, of the County of Grenville.

By Mr. Frazer,--The Petition of Alexander Reid and others, of the County of Welland; and the Petition of J.G. Spencer and others, of the County of Welland.

By Mr. Foley,--The Petition of John Klein and others, of the County of Waterloo; and the Petition of Alexander McBride and others, of the Township of Malahide, in the County of Elgin.

By Mr. Chisholm,--The Petition of Robert Balmer and others, Clerks of Division Courts for the County of Halton.

By Mr. Angus Morrison,--The Petition of Mrs. Mary Jane Edwoods and others, Trustees and Members of the First Colored Calvinist Baptist Church of Toronto; and the Petition of the Town Council of the Town of Barrie.

A large number of numerously signed petitions were presented against the commutation clause of the Clergy Reserve Act, by ... members ((this day.))¹

MR. JACKSON (who has repeatedly voted for commutation) presented a petition against it from his own county of Grey.²

MR. BROWN asked whether every one of the hon. gentleman's Election Committee had not signed the petition? (Hear, hear.)³

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By Mr. Jackson,--The Petition of Robert Paterson and others, of the Town of Sydenham, in the County of Grey.

By Mr. Hartman,--The Petition of J. Pilcher and others, of the County of Elgin.

By Mr. Jean Baptiste Eric Dorion,--The Petition of C.H. Lassiseraye, heretofore Principal Teacher of the late Society of Education of the Town of Three Rivers.

By Mr. Aikins,--The Petition of the Reverend David Coutts and others, of the Township of Chinguacousy, in the County of Peel; and the Petition of Thomas McIlroy and others, of the County of Peel.

By the Honorable Mr. Spence,--The Petition of C.O. Counsell and others, Township Clerks of the County of Wentworth; and the Petition of Andrew Hall and others, Township Clerks of the County of Wentworth.

By Mr. Brown,--The Petition of John Ross and others, of the Townships of Tuckersmith and Stanley, in the County of Huron; the Petition of John Anderson and others, of the County of Wellington; the Petition of P.D. Bisset and others, of the County of Elgin; the Petition of John McMillan and others, Students of Knox's College, Toronto; and the Petition of Thomas Forsyth and others, Clerks of Division Courts for the County of Lambton.

By the Honorable Mr. Chauveau,--The Petition of Pierre Beaupré and others, of the Parish of L'Ancienne Lorette.

Mr. DeWitt, from the Select Committee to which was referred the Petition of Henry Bennie and others, of the Seigniorie of Beauharnois, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have given a due consideration to the Petition referred to them, and they find that some years ago a person styling himself the Reverend Alexander McWattie, officiated as a Presbyterian Minister at South Georgetown, in the Seignior of Beauharnois, where he took the pastoral care of a Congregation, and continued in charge thereof, fulfilling the ordinary ministerial functions until his death.

Since the demise of Mr. McWattie, a supposit(i)on has arisen, that he was not a duly ordained Minister of the Church of Scotland, or of any other Church, and doubts have arisen as to the legal validity of the acts performed by him in that capacity. Your Committee append the evidence of two of the Members of Your

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Honorable House in support of the facts above stated, and they would respectfully submit to Your Honorable House the expediency of passing an Act to declare valid the ministerial acts performed by Mr. McWattie, in the above mentioned capacity, as respects the Baptisms, Marriages, and Burials among the Members of his Congregation.

Ordered, That Mr. DeWitt have leave to bring in a Bill to confirm certain Marriages solemnized by the late Reverend Alexander McWattie, and to provide for the proof thereof, and of other acts performed by him as a Minister of the Presbyterian Church.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Twenty-seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Thomas A. Corbett and others, of the City of Kingston, and of L.A. Dessaulles and others, of the Town and Parish of St. Hyacinthe, and find the Notices sufficient.

With respect to the Petition of the Municipality of the Village of Paris, praying that the said Village may be incorporated as a Town, Your Committee find that no regular Notice was given; but from the publicity given to the proceedings of the Municipal Council, in reference to the application and the discussion of the matter in the Newspapers published in the Village, Your Committee are satisfied that the Inhabitants are sufficiently notified of the application, and therefore beg to recommend a suspension of the 62nd Rule.

The Petition of William Fraser, Esquire, and others, of the Parish of St. Patrice de la Rivière du Loup, prays for authority to William and Edouard Fraser to sell a portion of the domain of the said Seignior in building Lots; it appears that the said domain was willed to them by their late father, with reversion to their children. The Village of Rivière du Loup is built on a portion of the said domain, but its progress is materially retarded from the inability of the proprietors of the domain to deed any portion thereof; they have therefore applied for power to sell a part of the same in building Lots, (having no children whose interest can be affected) and under the circumstances of the case, Your Committee are of opinion that Notice is not requisite.

On the Petition of William Mackey and others, freeholders of the Township of Marlborough, praying that a portion of the Township of Oxford may be attached to the County of Carleton, Your Committee find that no Notice has been given.

The Petitions of the Quebec Benevolent Society, for amendments to their Act of incorporation; of James Gibb and others, of the District of Quebec, for an Act to incorporate the Victoria Hospital; and of Sister Marie Delphine, Superior, and others, Sisters of St. Joseph, of the City of Toronto, for an Act of incorporation, are not of such a nature as to require the publication of Notice.

Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to incorporate the Kingston and Smith's Falls Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That the Petition of the Municipal Council of the United Counties of Leeds and Grenville, relative to the School Law, be printed for the use of the Members of this House.

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Ordered, That the Petition of William Davidson, County Clerk of Waterloo, and others; and the Petition of David S. Shoemaker, Town Clerk of the Township of Waterloo, and others, be referred to the Select Committee to which was referred the Bill to amend the Municipal Corporation Acts.

MR. CHISHOLM moved that the Tenth Report of the Standing Committee on contingencies be concurred in.⁴

MR. BROWN said he must oppose the Report, which recommended that during the remainder of the session, as in the early part of it, members should receive six dollars instead of four dollars a day. It appeared to him that four dollars was a sufficient sum to meet the actual expenses of members.--It would do that and no more, and the additional sum could only be given as compensation for services--which he would be sorry to see acknowledged.⁵

MR. ROBLIN said he would have much pleasure in voting for the motion, but if it was not carried that they would have an additional two dollars during the remainder of the session, he would vote that the two dollars they had received during the early part of it should be refunded.⁶

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The Order of the day for taking into consideration the Tenth Report of the Standing Committee on Contingencies, being read;

Mr. Chisholm moved, seconded by Mr. Roblin, and the Question being put, That this House doth concur with the Committee in the said Report; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Blanchet, Cayley, Chabot, Chauveau, Chisholm, Church, Cook, Crawford, Crysler, Daly, Desaulniers, Dionne, Attorney General Drummond, Dufresne, Felton, Ferrie, Foley, Fournier, Gould, Jackson, Laberge, Laporte, LeBoutillier, Loranger, Lyon, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, Meagher, Angus Morrison, Niles, O'Farrell, Pouliot, Powell, Rankin, Rhodes, Roblin, Solicitor General Ross, Sanborn, Scatcherd, Sidney Smith, Somerville, Spence, Terrill, and Thibaudeau.--(46.)

NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Chapais, Christie, Darche, DeLong, Dewitt, Jean B.E. Dorion, Dostaler, Egan, Fergusson, Octave C. Fortier, Fraser, Hartman, Langton, Lumsden, Matheson, Mattice, Merritt, Munro, Murney, Papin, Prévost, Robinson, Stevenson, and Wright.--(50.)

So it was resolved in the Affirmative.

A Message from His Excellency the Governor General, by René Kimber, Esquire, Gentleman Usher of the Black Rod:--

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the House, went to the Legislative Council Chamber:--And being returned;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's Name, the Royal Assent to the following Public and Private Bills:--

An Act to amend the Act to authorize the construction of a Railway from Galt to Guelph.

An Act to vest in Edward Shortis, of Toronto, Esquire, the road or concession allowance between Lots numbers fifteen and sixteen in the sixth Concession of the Township of Thora.

An Act to incorporate the Evangelical Society established at La Grande Ligne, in the District of Montreal, for the purpose of Education and Religious Instruction.

An Act to incorporate the College de Monnoir.

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An Act to explain an Act, intituled, "An Act to amend the Acts imposing Duties of Customs."

An Act making certain provisions rendered necessary by the separation of the Counties of Halton and Wentworth.

An Act to extend the time for completing the Louth Harbour.

The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly, dated 22nd March, 1855, for a copy of the Royal Instructions to His Excellency.

Bury,
Civil Secretary.

Civil Secretary's Office,
Quebec, 28th March, 1855.

VICTORIA R.

INSTRUCTIONS to Our trusty and well beloved Sir Edmund Walker Head, Baronet, Our Captain General and Governor in Chief in and over Our Province of Canada, or, in his absence, to Our Lieutenant Governor or the Officer administering the Government of Our said Province for the time being. Given at Our Court at Balmoral, this twentieth day of September, 1854, in the eighteenth year of Our Reign.

First. Whereas by Our Commission under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We have constituted

and appointed you, the said Sir Edmund Walker Head, to be, during Our pleasure, Our Captain General and Governor in Chief in and over Our Province of Canada: And whereas We have thereby authorized, empowered, required, and commanded you in due manner, to do and execute all things that shall belong to your said command and the trust We have reposed in you, according to the several powers, provisions, and directions, granted or appointed you by virtue of Our said Commission, and of a certain Act of Parliament made and passed in the fourth year of Our Reign, intituled, "An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada," and according to such Instructions as should be therewith given to you, or which might from time to time be thereafter given to you in respect of the said Province of Canada, under Our Signet and Sign Manual, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such laws as were or should be in force within the former Provinces of Upper and Lower Canada, or in Our Province of Canada: And whereas it is by the said recited Act, amongst other things enacted, that all powers and authorities expressed therein, to be given to the Governor of the Province of Canada, shall be exercised by such Governor in conformity with and subject to such orders, instructions, and directions as We shall from time to time see fit to make or issue: Now therefore, We do hereby, in pursuance of the said Act of Parliament, and of all other powers in Us in that behalf vested, make and issue these Our Instructions for your guidance, in the exercise of the powers and authorities vested in you by the said Act of Parliament and by Our said Commission. By these Our Instructions, under Our Sign Manual and Signet so referred to in and accompanying Our said Commission, We do declare Our will and pleasure to be, that you, the said Sir Edmund Walker Head, as soon as may be after the publication of Our said Commission, do take the oaths appointed to be taken by an Act passed in the first year of the Reign of King George the First, intituled, "An Act for the further security of His Majesty's Person and Government, and the succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors," as altered and explained by an Act passed in the sixth year of the Reign of King George the

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Third, intituled, "An Act for altering the oath of abjuration and the assurance, and for amending so much of an Act of the seventh year of the Reign of Her late Majesty Queen Anne, intituled, "An Act for the improvement of the Union of the two Kingdoms," as after the time therein limited requires the "delivery of certain lists and copies therein mentioned, to persons indicted of High Treason, or misprision of Treason," or in lieu thereof, the oath required to be taken by an Act passed in the tenth year of the Reign of King George the Fourth, intituled, "An Act for the relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last mentioned Act shall be applicable to your case; and likewise that you take the usual oath for the due execution and performance of the office and trust of Our Captain General and Governor in Chief of Our said Province of Canada, and for the due and impartial administration of Justice; which said oaths the Chief Justice and Puisne Judges of Our Supreme Courts of Record of Upper and Lower Canada, or any three or more of them, have hereby full power and authority, and are required to tender and administer unto you.

Second. And We do hereby give and grant unto you, the said Sir Edmund Walker Head, full power and authority, from time to time, and at any time hereafter, by yourself, or by any other person to be authorized by you in that

behalf, to administer to all and every person or persons as you shall think fit, who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Province of Canada, or who shall be resident or abiding therein, the oath commonly called the oath of allegiance, save only in cases where any other oath or oaths is or are prescribed by the Statute in that behalf made, or by any of these Statutes, in which cases, it is Our pleasure, and We do hereby direct, that you the said Sir Edmund Walker Head, do administer to such person such other oath or oaths as aforesaid.

Third. And whereas We have by the said Commission declared Our pleasure to be, that there shall be an Executive Council for the affairs of Our said Province of Canada, and that the said Council shall consist of such persons as you may nominate and appoint to be Members thereof; We do authorize you, should it in your opinion be necessary for the public service, to remove or suspend any of the Members of Our said Executive Council, but in that case you will immediately report to us, through one of Our Principal Secretaries of State, the cause of such removal or suspension, as the case may be.

Fourth. And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our service, you are to communicate to them such and so many of these Our Instructions wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

Fifth. You are to permit the Members of Our said Executive Council to have and enjoy freedom of debate and vote in all affairs of public concern which may be debated in the said Executive Council.

Sixth. And We do hereby declare, and it is Our pleasure, that Our said Council shall not proceed to the dispatch of business unless duly summoned by your authority, nor unless one-third of the Members of the said Council be present and assisting at any meetings at which any such business shall be dispatched. And We do further direct, that if in any case you see sufficient cause to dissent from the opinion of the major part of the whole of the said Executive Council, upon any question brought by you under their consideration, it shall be competent to you, upon any such occasion, to execute the powers and authorities vested in you by Our said Commission, and by these Our Instructions, in opposition to such their opinions; it being, nevertheless, Our pleasure, that in every case it shall be competent to any Member of Our said Council to record at length, in the Minutes of Our said Council, the grounds and reasons of any advice or opinion he may give upon any question brought under the consideration of such Council.

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Seventh. And it is Our pleasure, and you are hereby authorized to appoint, by an Instrument under the Great Seal of the Province, one Member of Our said Executive Council, to preside in your absence, and to remove him and appoint another in his stead; and if, during your absence, the Member so appointed shall also be absent, then the senior Member of the Council actually present shall preside, the seniority of the Members of the said Council being regulated according to the order of their respective appointments.

Eighth. And we do further direct and command, that a full and exact Journal or Minute be kept of all the deliberations, acts, proceedings, votes, and resolutions of Our said Executive Council; and that at each meeting of the said Council the Minutes of the last preceding meeting shall be read over, confirmed, or amended, as the case may require, before proceeding to the dispatch of any other business.

Ninth. And for the execution of so much of the powers vested in you by Our said Commission, and by virtue of the said Act passed in the fourth year of Our Reign as aforesaid, as relates to the declaring that you assent in Our Name to Bills passed by the Legislative Council and House of Assembly, or that you withhold Our Assent therefrom, or that you reserve such Bills for the signification of Our Royal pleasure thereon, it is Our will and pleasure that you do carefully observe the following rules, directions, and instructions, viz: that each different matter be provided for by a different law without including in one and the same Act such things as have no proper relation to each other; that no clause be inserted in any Act which shall be foreign to what the title of it imports; and that no perpetual clause be part of any temporary law.

Tenth. And you are expressly enjoined not to propose or assent to any Bill whatever whereby any person may be impeded or hindered from celebrating or attending the Worship of Almighty God in a peaceable and orderly manner, although such Worship may not be conducted according to the rights and ceremonies of the Church of England.

Eleventh. And We do further enjoin you not to propose or assent to any Bill whereby Our Prerogative might be diminished, or in any respect infringed, without Our special permission previously obtained. And if any Bill having such an effect shall be presented to you for your assent, you shall declare that you reserve it for the signification of Our pleasure.

Twelfth. And We do further direct, that you do not propose or assent to any Bill whatever whereby bills of credit or other negotiable securities of whatever nature, may be issued in lieu of money on the credit of the said Province, or whereby any Government paper currency or any coin, save only the legal coin of the Realm may be made or declared to be a legal tender, unless special permission from Us, in that behalf, have been first obtained.

Thirteenth. And it is Our further pleasure, that you do not propose or assent to any Bill whatever for raising money by the institution of any public or private Lotteries.

Fourteenth. And it is Our further will and pleasure, that you do not propose or assent to any Bill whatever for the divorce of persons joined together in holy matrimony.

Fifteenth. And We do further direct, that you do not propose or assent to any Bill whatever whereby any grant of money or land or other donation or gratuity may be made by the said Legislative Council and Assembly to you.

Sixteenth. And We do further direct, that you do not propose or assent to any private Bill whereby the property of any individual may be affected, in which there is not a saving of the rights of Us, Our Heirs, and Successors, and of all bodies politic and corporate, and of all other persons, excepting those at whose instance or for whose especial benefit such Bill may be passed, and those claiming by, from, through, and under them.

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Seventeenth. And it is Our will and pleasure, that you do not propose or assent to any Bill whatever to which Our assent has once been refused, without express leave for that purpose first obtained from Us.

Eighteenth. And We do further direct, that if any Bill which you are by these Our Instructions prohibited from proposing or assenting to, shall be presented to you for such assent, you shall (unless you think fit to withhold such assent) reserve the same for the signification of Our pleasure thereon.

Nineteenth. You are to take care that in all Acts to be passed by you and the said Legislative Council and Assembly of Our said Province in any case for

levying money, or imposing fines, forfeitures, and penalties, express mention be made that the same are granted to Us, Our Heirs, and Successors, for the public uses of Our said Province, and for the support of the Government thereof, as by the said Acts shall be directed.

Twentieth. You are to reserve for the signification of Our pleasure thereon every Bill which you shall consider to be of an extraordinary or unusual nature, or requiring Our special consideration and decision thereupon, particularly such as may effect the property, credit, or dealings of such of Our subjects as are not usually resident within Our said Province, or whereby Duties should be laid upon Shipping of the United Kingdom of Great Britain and Ireland, or upon the produce or manufactures of Great Britain or Ireland.

Twenty-first. You shall take care that all Laws assented to by you in Our Name, or reserved for the signification of Our Royal pleasure thereon, shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with explanatory observations upon each of them; and you are also to transmit the reasons and occasion for proposing each law, together with fair copies of the Journals and Minutes of the proceedings of the said Legislative Council and Assembly, which you are to require from the Clerks or other proper Officers in that behalf of the said Legislative Council and Assembly.

Twenty-second. And whereas We have by Our said Commission given and granted unto you full power and authority, when you shall see cause, or shall judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto Us, fit objects of Our mercy, to pardon all such offenders and to remit all such fines, offences, and forfeitures: Now We do hereby require and enjoin you to call upon the Judge presiding at the trial of any offenders, to make to you a written report of the cases of all persons who may from time to time be condemned to suffer death by the sentence of any Court within Our said Province, and such reports of the said Judge shall by you be taken into consideration at the first meeting thereafter, which may be conveniently held of Our said Executive Council, at which meeting the said Judge shall be especially summoned to attend, and you shall not pardon any such offender unless it shall appear to you expedient so to do, upon receiving the advice of Our said Executive Council therein, but in all such cases you are to decide whether to extend or withhold a pardon according to your own deliberate judgment, whether the Members of Our said Executive Council concur therein or otherwise, entering nevertheless on the Minutes of the said Council a minute of your reasons at length, in case you should decide any such question in opposition to the judgment of the majority of the Members thereof.

Twenty-third. It is Our further will and pleasure, that all Commissions to be granted by you to any person or persons to be Judge, Justice of the Peace, or other necessary Officer, be granted during Our pleasure only, except in cases where provision is made to the contrary by any express law in force within Our said Province, or any part thereof.

Twenty-fourth. And whereas nothing can more essentially tend to the speedy settling of Our said Province of Canada, the security of the property of Our subjects, and the advancement of Our revenue, than the disposal of such Lands as are Our property upon good and reasonable terms, and the establishment of a regular and proper method of proceeding with respect to the passing of the

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grants of such lands; it is Our will and pleasure that you do strictly conform to the provisions of any law for the regulation of such matters which is or

shall be in force in the said Province of Canada, or any part thereof, or if there shall be no such law, then to these Our Instructions hereinafter contained, or to such Instructions in this respect as you may from time to time receive from Us under Our Signet and Sign Manual, or through one of Our Principal Secretaries of State.

Twenty-fifth. And it is Our further will and pleasure, that there shall be at the Seat of Government, and at any other stations within Our said Province of Canada where it may be desirable for general convenience, Land offices for the transaction of all business connected with the settlement of the Public Lands.

Twenty-sixth. And it is Our will and pleasure that at the principal office at the Seat of Government, Charts shall be kept for public inspection exhibiting all Lands open for sale within Our said Province of Canada, and Registers of all such Lands as may hereafter from time to time be appropriated. And it is Our pleasure that such Charts and Registers shall be kept in such form and manner as to convey as far as possible to all persons applying for the same, full and authentic information of all appropriations of Land and all surveyed Lands not appropriated.

Twenty-seventh. And We do further direct, that similar Charts and Registers be kept at the subordinate Land offices which may be created at other stations besides the Seat of Government: Provided, however, that in each such case the Charts and Registers are only to include Lands belonging to the district or division of which the particular station may have been chosen as a central place for purposes connected with Land.

Twenty-eighth. And it is Our pleasure that arrangements may be made so far as may be practicable for enabling Our subjects to purchase Lands either by application at the principal Office at the Seat of Government, or else at the office of the district or division within which such Land may be situate: Provided always, that the necessary regulations be established for preventing the disposal in this manner of the same Land to any two or more parties at the same time.

Twenty-ninth. And We do further direct, that the grants of all Lands to be purchased as aforesaid shall, after the payment of the price thereof, be issued to the purchaser under the Great Seal of Our said Province with all practicable speed.

Thirtieth. And it is Our will and pleasure, that all regulations concerning the acquisition of Land be published and generally diffused throughout the Province, in a convenient form.

Thirty-first. And We do further declare Our pleasure to be, that no Lands shall be sold in any part of the said Province which it shall be deemed proper to reserve for public roads and other internal communications, whether by land or water, or as the sites of towns, villages, churches, school-houses, or parsonage houses, or as places for the interment of the dead, or as places for the future extension of any existing towns or villages, or as places fit to be set apart for the recreation and amusement of the inhabitants of any towns or villages, or for promoting the health of such inhabitants, or for the promotion of fisheries, or as the sites of quays or landing places which it may at any future time be expedient to erect, form, or establish on the sea-coast, or in the neighbourhood of streams, or which it may be desirable to reserve for any other purposes of public convenience, utility, health, or enjoyment; and all tracts or parcels of Land so reserved are to be specially distinguished in the Charts before mentioned.

Thirty-second. It is Our will and pleasure to reserve to you the granting of licenses for marriages, letters of administration and probates of wills as heretofore exercised by your predecessors, and also to reserve to you and to all others to whom it may lawfully belong, the patronage and right of presentation to Benefices; but it is Our will and pleasure that the person so presented shall be instituted by the Bishop or his Commissary duly authorized by him.

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Thirty-third. And whereas you will receive through one of Our Principal Secretaries of State a Book of tables, in blank, (commonly called the Blue Book) to be annually filled up with certain Returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said Blue Book more particularly specified, with reference to the state and condition of Our said Province of Canada: Now We do hereby signify Our pleasure that all such Returns be accurately prepared and punctually transmitted to Us through one of Our Principal Secretaries of State.

Thirty-fourth. If anything shall happen which may be of advantage or security to Our said Province under your Government, which is not herein or by your Commission provided for, We do hereby allow unto you, with the advice and consent of Our said Executive Council, to take order for the present therein: Provided, nevertheless, that what shall be done be not repugnant to Our Commission and Instructions, and to the said Acts passed in the fourteenth and thirty-first years of the Reign of His late Majesty King George the Third, and in the fourth year of Our Reign, giving unto Us through one of Our Principal Secretaries of State, speedy notice thereof, that you may receive Our ratification, if We approve the same.

Thirty-fifth. And you are upon all occasions to send to Us through one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your Government.

Thirty-sixth. And whereas great prejudice may happen to Our service and to the security of the said Province by the absence of the Governor, you shall not upon any pretence whatever quit the said Colony without having first obtained leave from Us for so doing, under Our Sign Manual or Signet, or through one of Our Principal Secretaries of State.

(Signed,) V.R.

The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Edmund Head.

The Governor General transmits to the Legislative Assembly, a copy of a Letter from the Earl of Elgin, enclosing one from the Emperor of the French, on the subject of the grant of money made by the Canadian Legislature in aid of the Fund for the relief of the Widows and Orphans of the Allied Forces of England and France, serving in the East.

Government House,

Quebec, 2nd April, 1855.

Broomhall, Dunfermline, 8th March, 1855.

Sir,--At an interview with which the Emperor of the French honored me a few days ago, I ventured to place in His Majesty's hand a copy of the Joint Address to the Queen, passed by the two Houses of the Canadian Parliament, in November last, in reference to the Victory of the Alma, and to a grant in favor of the Widows and Orphans of the Soldiers and Sailors of the Allied Armies of England and France. His Majesty has been graciously pleased to acknowledge the receipt of this document, in a letter to me, of which I herewith enclose a copy, with

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the request that Your Excellency will have the goodness to communicate it to the Legislative Council and Legislative Assembly.

I have, &c.,

(Signed,)

Elgin & Kincardine.

His Excellency Sir Edmund Head, Bart.

&c., &c., &c.

(Translation.)

Palace of the Tuileries, 27th February, 1855.

My Lord,--I thank you for your communication to me of the Address of the Legislative Council and the Legislative Assembly of Canada to the Queen of England.

It would be difficult to express in a more patriotic and more touching manner, sympathy with the successes of our arms in the East, and with the calamities inseparable from this great contest. Affected, as I am myself, by the eloquent expression of this strong sympathy, our Country will not behold without gratitude, that in token of their remembrance of their French descent, the population of Canada were unwilling to separate, in their congratulations and offerings, those now so nobly united by a community of dangers.

Deign to be the interpreter of my sentiments to the Legislative Council and Legislative Assembly of Canada, as I believe myself to be of the sentiments of France.

Receive, my Lord, the assurance of my high esteem.

(Signed,)

NAPOLEON.

To Lord Elgin.

Ordered, That the said Message, and the accompanying documents, be printed for the use of the Members of this House.

On motion of MR. PRES. EX. COUN. MACNAB, the house went into committee of the whole to consider of making provision, out of the consolidated revenue fund, for the payment of the salaries of officers, and other expenses to be incurred in the establishment and organization of the militia force in this Province.... ((He)) moved that a sum of 25,209L be granted to Her Majesty for the above purpose.⁷

MR. BROWN did not consider that this was the proper course to be pursued, to grant a sum like this without knowing for what specific purposes it was to be appropriated. The grant should have been made by voting distinct resolutions. The protection of requiring that public money should be voted in committee would be no protection at all, if they voted away money in this way, they did not know what for. (Hear, hear.)⁸

MR. A. DORION (Montreal) said it appeared from the report of the commissioners that this 25,000L would only be a portion of the sum required for the expense of the militia.⁹

MR. GOULD.--Is this to be an annual grant?¹⁰

MR. PRES. EX. COUN. MACNAB.--That will depend on the pleasure of Parliament.¹¹

MR. BROWN.--It will be an annual grant to a much greater amount, for this sum will not nearly cover it.¹²

The resolution was then agreed to¹³.

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The House, according to Order, resolved itself into a Committee to consider of making provision out of the Consolidated Revenue Fund for the payment of the Salaries of the Officers and other expenses to be incurred in the establishment and organization of the Militia Force in this Province; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had come to a Resolution.

Ordered, That the Report be received To-morrow.

Mr. Terrill also acquainted the House, that he was directed to move, That the Committee have leave to sit again.

Resolved, That this House will, To-morrow, again resolve itself into the said Committee.

MR. PRES. EX. COUN. MACNAB moved that, when the House adjourns on Wednesday next, it do stand adjourned till Tuesday following, at three o'clock, P.M.¹⁴

MR. BROWN said the former understanding was, that the House should meet on Thursday, which he understood from several of the Lower Canadian members was not a fête d'obligation.¹⁵

MR. AT. GEN. DRUMMOND stated that "Holy Thursday" was one of the chief days of devotion in the Church to which he and his co-religionists belonged.¹⁶

After some further consideration, the motion was agreed to.¹⁷

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On motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Attorney General Drummond,

Resolved, That this House will, at the rising of the House To-morrow, adjourn until Tuesday next at Three o'clock in the afternoon.

The House, according to Order, resolved itself into a Committee on the Bill to reform the Municipal System of Lower Canada, and to established (sic) County, Parish, and Township Municipalities therein; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dufresne reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

The House, according to Order, again resolved itself into a Committee on the Bill to incorporate the St. Francis Bank; and after some time spent therein,

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Mr. Speaker resumed the Chair; and Mr. Loranger reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

On motion of the Honorable Mr. Chauveau, seconded by Mr. Blanchet,

Ordered, That the Bill from the Legislative Council, intituled, "An Act to extend the provisions of the Act to facilitate Actions against persons associated for Commercial purposes, and against unincorporated Companies," be read a second time on Tuesday next.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Montreal Locomotive Marine and Steam Forge Works Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Pouliot reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

The House, according to Order, again resolved itself into a Committee on the Bill to reform the Municipal System of Lower Canada, and to establish County, Parish, and Township Municipalities therein; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dufresne reported, That the Committee had made some progress, and directed him to move for leave ((to)) sit again.¹⁸

Then, on motion of Mr. Thibaudeau, seconded by Mr. Dufresne,
The House adjourned.

APPENDIX: 3 APRIL 1855.

((NOTICE OF MOTION RE: SEIGNIORIAL TENURE BILL.))

MR. DARCHE ((donne avis que)) vendredi, 13 avril ((il)) demandera la permission d'introduire un bill pour amender l'acte 18 Vict. chap. 3 de manière à obliger les seigneurs à faire aveu et dénombrement, sous trois mois après la passation du bill, et de plus, de garantir aux censitaires, dans tous les cas, qu'ils ne seront pas forcés de payer une rente constituée plus élevée que celle qu'ils paient actuellement, et pour donner aux censitaires le pouvoir de racheter leurs rentes constituées en dix paiements annuels.¹⁹

((NOTICE OF MOTION RE: TENTH REPORT OF COMMITTEE ON CONTINGENCIES CONCERNING MEMBERS' INDEMNITY.))

MR. DUFRESNE ((donne avis que)) mardi prochain ((il)) fera motion qu'ordre soit donné à l'officier comptable de cette chambre, accountant, de ne payer les 10s. par jour, additionnels, à aucun des membres de cette chambre qui ont donné un vote négatif sur la question de l'adoption du rapport du comité des contingents recommandant une telle augmentation.²⁰

((NOTICE OF MOTION RE: LIST OF MEMBERS AND THEIR INDEMNITIES RECEIVED.))

MR. LABERGE ((donne avis que)) mardi prochain ... le greffier de cette chambre mette devant elle une liste de tous les membres de cette chambre qui ont perçu les deux piastres additionnelles votées dans la première partie de cette session, en sus de l'indemnité quotidienne de quatre piastres déjà accordée aux membres de cette chambre par la loi, et une liste de ceux qui n'ont pas perçu cette indemnité additionnelle.²¹

((NOTICE OF QUESTION RE: PARLIAMENT BUILDINGS.))

MR. CHAUVEAU ((donne avis que)) mardi prochain ((il)) demandera aux membres du gouvernement si c'est leur intention de recommander dans la présente session des votes d'argent pour la construction simultanée d'édifices pour la législature et le gouvernement dans les cités de Québec et de Toronto.²²

FOOTNOTES: 3 APRIL 1855.

1. GLOBE, 16 April 1855.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. After the discussion whether to adjourn the House over the Easter Holidays (footnotes 14-17), GLOBE, 16 April 1855, comments: "During the remainder of the sitting the House was in committee on the Lower Canada Municipal Bill, 38 clauses of which were adopted."
19. LE PAYS, 7 April 1855.
20. IBID.
21. IBID.
22. IBID.

WEDNESDAY, 4 APRIL 1855.

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MR. SPEAKER laid before the House, The Accounts of the Trustees of the Montreal Turnpike Roads, for the half year ending the 31st December, 1854.

For the said Accounts, see Appendix (I.)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Merritt,--The Petition of Pells Manny and J.H. Manny; the Petition of Jacob Upper and others, of the County of Lincoln; and the Petition of Mrs. Macdonald and others.

By Mr. Dionne,--The Petition of the Reverend L. Roy, Curé, and others, of Trois Pistoles.

By Mr. Huot,--The Petition of the Municipal Council of the County of Saguenay.

By Mr. Frazer,--The Petition of William McPherson and others, Medical Practi((ti))oners of Canada West.

By the Honorable Mr. Chauveau,--The Petition of L. Legendre and others, of the Parish of St. Louis de Lotbinière.

By Mr. Macbeth,--The Petition of James Armstrong, President, for and on behalf of the County of Elgin Agricultural Society.

By Mr. Rhodes,--The Petition of Thomas Lloyd and others, Proprietors of Breweries in the City of Quebec.

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By Mr. DeWitt,--The Petition of the Committee of the American Presbyterian Free School of Montreal.

By Mr. Chisholm,--The Petition of William Ashton and others, of the Township of Waterloo, in the County of Waterloo.

By Mr. Loranger,--The Petition of the Reverend J. Morin and others, of the Parish of St. Jacques le Mineur; and the Petition of the Reverend F.X. Prévost and others, Catholic School Commissioners of the City of Montreal.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipal Council of the United Counties of Lanark and Renfrew; praying that no alteration be made in the present Assessment Laws of Upper Canada.

Of the Cobourg and Peterborough Railway Company; praying that the Bill to incorporate the Peterborough and Mud Lake Railway Company, may not become Law.

Of the Reverend R. Robert, Curé, and others, of the Parish of Blairfindie, in the County of St. John's, Dorchester; of Simon Bertrand and others, of the Parish of St. Mathias, in the County of Rouville, Censitaires; of C. Rouette and others, of the Parish of Pointe du Lac, in the County of St. Maurice; and of Calixte Lamie and others, of the Parish of Yamachiche, in the County of St. Maurice; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of Oliver Blake and others, Clerks of Division Courts for the County of Norfolk; praying that the Tariff of Fees allowed them under the Act 16 Vic. cap. 53, may be increased.

Of the Reverend Narcisse Guérout and others, of the Parish of Lanoraie, in the County of Berthier; praying an aid for the Mechanics' Institute and Library Association of Lanoraie.

Of the Reverend Eugène Desmarais, in behalf of Les Religieuses des Saints Noms de Jésus et de Marie, residing at Beauharnois; praying for an aid.

Of the Mechanics' Institute of St. Hyacinthe; praying for an aid.

Of John Craig and others, of the County of Waterloo; of Alexander Buchanan and others, of the County of Waterloo; of Graham Watson and others, of the County of Waterloo; of John B. Snyder and others, of the County of Waterloo; of William Woodruff and others, of the Township of Niagara; of Adam Young and others, of the County of Welland; of John Stark and others, of the County of Welland; of Jacob L. Dell and others, of the County of Welland; of William Wilkins and others, of the County of Welland; of Jesse Henry and others, of the County of Welland; of Walter Henderson and others, of the County of Welland; of Liberty Watrous and others, of the County of Leeds; of Samuel Falconbridge and others, of the County of Wellington; of the Reverend H. Dockham and others, of the County of York; of Robert Lambert, senior, and others, of the County of Lincoln; of Jacob Turner and others, of the County of Haldimand; of Romulus B. Cook and others, of the County of Ontario; of Joel Draper, senior, and others, of the United Counties of York and Peel; of Alpheus Davis and others, of the United Counties of York and Peel; of William Hilborn and others, of the United Counties of York and Peel; of Henry Pearson and others, of the County of Peel; of James McQuire and others, of the County of Peel; of the Reverend D.B. Merry and others, of the County of Peel; of Orange Lawrence and others, of the County of Peel; of Francis Silverthorn and others, of the County of Peel; of Thomas Sharp and others, of the County of Peel; of Peter Rogers and others, of the County of Peel; of John Daw and others, of the County of Carleton; of the Reverend John G. Bull and others, of the County of Prince Edward; of Samuel Stewart and others, of the County of Frontenac; of John Fansher and others, of the Township of Dawn, in the County of Lambton; of Alfred Scarlett and others,

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of the Township of Dawn, in the County of Lambton; of James Nelson and others, of the Township of Euphemia, in the County of Lambton; of Jacob Rymal and others, of the County of Wentworth; of the Municipality of the Township of McNab, in the County of Renfrew; of Archaleess Ellis and others, of the Township of Sombra, in the County of Lambton; of Samuel McCutcheon and others, of the Township of Vaughan; of the Reverend William Lohead and others, of the County of Carleton; of Henry McKenney and others, of the County of Essex; of Adam L. Argo and others, of the County of Wellington; and of A.G. Hall and others, of the County of Lanark; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of the Municipality of the Township of Finch, in the County of Stormont; and of William Johnstone and others, of the Township of Finch, in the County of Stormont; praying aid for the construction of a Bridge over the Nation River in the said Township.

Of Samuel Pope and others, of Eaton, and other Townships; praying aid for the opening of the Otter Brook Road, and for the building of a Bridge across the Salmon River.

Of William Campbell and others, of the rear of Grenville, in the Township of Harrington; praying aid for a Road.

Of the Municipality of the Township of Bertie, in the County of Welland; representing that they are Stockholders in the Buffalo, Brantford, and Goderich Railway Company, and praying for an aid to complete the said Railroad.

Of J.L. Willson and others, of the City of Toronto; praying for an Act of incorporation under the name of the Canada Ore Dressing Company.

Of John Mair, M.D., Chairman, on behalf of a public meeting of the inhabitants of Kingston; praying for the abolition of Sabbath labor in the Post Office and on the Canals.

Of Edwin Larwill, Esquire, and others; praying for an Act of incorporation to construct a line of Railway between the River St. Clair and the Rondeau Harbour on Lake Erie.

Of L'Institut Canadien of Iberville; praying for an aid.

Of Messieurs A. Paterson, Young, and Company, and others, of the City of Quebec; praying that the Bill to prevent the traffic in Intoxicating Liquors may not become Law.

On motion of the Honorable Mr. Merritt, seconded by Mr. Frazer,

Ordered, That the Petition of Pells Manny and J.H. Manny be now received and read; and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying for the passing of an Act giving to them the exclusive privilege of manufacturing for the term of ten years, a double reaping and mowing machine of which they hold the Patent.

Ordered, That the said Petition be printed for the use of the Members of this House.

On motion of Mr. Rhodes, seconded by Mr. Labelle,

Ordered, That the Petition of Thomas Lloyd and others, Proprietors of Breweries in the City of Quebec, be now received and read; and the Rules of this House suspended as regards the same.

And the said Petition was received and read, praying that the Bill to prevent the traffic in Alcoholic and Intoxicating Liquors may not become Law.

Ordered, That the said Petition be printed for the use of the Members of this House.

Ordered, That the Petition of William Campbell and others, of the rear of Grenville, in the Township of Harrington; and the Petition of Messieurs

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A. Paterson, Young, and Company, and others, of the City of Quebec, be printed for the use of the Members of this House.

Ordered, That the Petition of the Municipality of the Township of Wainfleet, in the County of Welland, representing that they are Stockholders in the Buffalo, Brantford, and Goderich Railway Company, and praying for an aid to complete said Road, and all other Petitions relating to the same subject, received up to this day, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the Petition of the Cobourg and Peterborough Railway Company, be referred to ... the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to amend the Act, intituled, "An Act to make more ample provision for the incorporation of the Town of St. Hyacinthe, and to extend its limits."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twelfth instant.

Mr. Hartman, from the Select Committee appointed to enquire into and report upon the best mode of arranging the Orders of the Day, so as to expedite the business of the House, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have given the matter referred to them the most attentive consideration, and have come to the conclusion that, to expedite the business before Your Honorable House, it is desirable to make a classification of the Orders of the Day, and to set apart particular days for the consideration of each class, in the following order, viz:--

1. On Mondays--Public and general measures (not being in charge of Members of the Administration,) to stand first. Private and local measures afterwards.

2. On Tuesdays, Wednesdays, and Fridays--Measures in charge of Members of the Administration.

3. On Thursdays--Private and local measures to be taken up immediately after Routine Business. Afterwards, public and general measures. No Notices of Motions to be proceeded upon.

4. Third readings of Bills, of every class, to be taken up daily, and to take precedence of all other Orders.

5. Receiving Reports from Committees of the Whole on public or private measures (not in charge of the Administration,) to stand on the Orders for Mondays and Thursdays, and on Government measures on Government days, immediately after the third reading of Bills.

6. The Printed Orders for each day to embrace only those assigned to that day, according to the above arrangement.

7. Public and private measures may (by consent of the Administration,) be taken up, in the order in which they stand, on Government days, after Government measures have been disposed of; in which case they shall be taken from those remaining on the printed list for the last preceding Monday or Thursday, (as the case may be).

Ordered, That the said Report be printed for the use of the Members of this House.

The Honorable Mr. Merritt reported from the General Committee of Elections, the Names of the Members of the new Select Committee appointed to try and

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determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, (in the place of the one discharged,) to which they had annexed the Petition referred to them by the House relative thereto:-- And the Names of the Committee were read, as follow:--James Moir Ferres, Esquire, Amos Wright, Esquire, Timothé Brodeur, Esquire, George Jackson, Esquire; Chairman, the Honorable John Hillyard Cameron.

On motion of Mr. Laberge, seconded by Mr. Powell,

Ordered, That the Select Committee on the Montmagny Election Petition have leave to adjourn until Wednesday next, at Ten o'clock in the forenoon.

Mr. Casault reported from the Select Committee on the bill to prevent the taking of Trout with Nets in the Lakes of the County of Saguenay, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Tuesday next.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to incorporate the Sisters of St. Joseph in Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the Petition of Oliver Blake and others, Clerks of Division Courts for the County of Norfolk, be referred to the Select Committee to which was referred the Bill to extend the Jurisdiction of the Division Courts in Upper Canada.

Ordered, That Mr. Alleyn have leave to bring in a Bill to incorporate the Victoria Hospital at Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the Honorable Mr. Cayley have leave to bring in a Bill to facilitate the negotiation of Municipal Debentures.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Mr. Terrill, from the Committee to consider of making provision out of the Consolidated Revenue Fund for the payment of the Salaries of the Officers and other expenses to be incurred in the establishment and organization of the Militia Force in this Province, reported a Resolution; which was read, as followeth:--

Resolved, That there be granted to Her Majesty the sum of Twenty-five thousand two hundred and nine pounds, to enable Her Majesty to expend the like sum in carrying out the provisions of the Bill now before the House to regulate the Militia of this Province.

MR. PRES. EX. COUN. MACNAB moved, that the said Resolution be now read a second time¹,

MR. MACKENZIE said that he did not think that the bill, whatever its merits might be, should become law. Since the time that William Prince of Orange had come across the channel, no bill taking from the Commons the only real power that they possessed, had ever been introduced into parliament.--No money had been voted for a standing army and navy, but this Bill allowed the government to take money out of the chest without an annual vote of the House. No proper government would have introduced such a bill. The honorable and gallant Knight when he sat in Opposition would not have tolerated any such thing.² Il n'a pu voter contre la seconde lecture du bill parce qu'il n'était pas en chambre lorsqu'elle a eu lieu; mais il s'oppose à la motion du brave chevalier afin d'enregistrer son vote contre le bill.³

MR. BROWN.--It is no use taking the Yeas and Nays at present.⁴

MR. MACKENZIE.--Yeas and Nays!⁵

Sir Allan's motion was then carried.⁶

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The Honorable Sir Allan N. MacNab moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That the said Resolution be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Bellingham, Blanchet, Cameron, Cayley, Chabot, Chapais, Chauveau, Church, Clarke, Crysler, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Felton, Ferres, Fournier, Gamble, Gill, Hincks, Jackson, Labelle, Langton, Larwill, Lemieux, Loranger, Lyon, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Meagher, Joseph C. Morrison, Angus Morrison, Powell, Rankin, Rhodes, Roblin, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, and Terrill.--(46.)

NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Cook, Charles Daoust, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Huot, Laberge, Lumsden, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Niles, Papin, Patrick, Prévost, Rolph, Sanborn, Scatcherd, Sidney Smith, and Wright.--(36.)

So it was resolved in the Affirmative.

And the Resolution, being read a second time, was agreed to.

On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,

Ordered, That it be an Instruction to the Committee of the whole House on the Bill to regulate the Militia of the Province, and to repeal the Acts now in force for that purpose, That they have power to make provision therein pursuant to the said Resolution.

MR. PRES. EX. COUN. MACNAB propose ensuite que la chambre se forme de nouveau en comité sur le bill de milice.⁷

MR. BROWN pense qu'après le vote qui vient d'avoir lieu et qui montre bien quel est le sentiment de la chambre, le gouvernement devrait le remettre jusqu'à ce que le peuple ait pu exprimer son opinion d'une manière décisive. En parcourant le vote il voit qu'il n'y a que 25 membres du Haut-Canada qui se sont prononcés pour la motion de concours, tandis qu'il y en a 24 qui ont voté contre. En face d'un tel résultat, lorsque 5 voix(x) déplacées auraient suffi pour faire perdre la motion, il serait beaucoup plus convenable pour le gouvernement de différer la considération du bill à une prochaine session, puisque les circonstances n'exigent pas impérieusement qu'il soit passé immédiatement.⁸

Rires ironiques du côté ministériel.--Écoutez! écoutez!⁹

MR. PRES. EX. COUN. MACNAB dit que malgré ce qu'en pense l'hon. membre pour Lambton, il procédera à la considération du bill, parce qu'il est certain d'avoir l'appui de la grande majorité de la chambre et du pays; la division qui vient d'avoir lieu peut paraître forte contre le bill, mais cela est dû à ce que la chambre n'est pas au complet et que la plus grande partie des amis du ministère sont absents. La division aurait été toute autre s'ils eussent été ici; il se croit justifiable de pousser son bill malgré ce vote.¹⁰ ((He)) said he did

mean to proceed with the measure, and he could not believe that a majority of the members of this House would destroy the Bill by refusing to grant the sum of money sufficient to carry it out. He begged to move that the blanks in the eighth clause be filled up with 5,000L and 2,000L.¹¹

The 8th clause, thus filled up, read as follows: "Provision shall be made for arming and equipping the Sedentary Militia as Infantry with Minie Rifles or Percussion Muskets, bayonets and proper accoutrements, and a sum not exceeding in the whole Five thousand pounds, ~~nor exceeding Two thousand pounds in any one~~ year may be expended for the purchase of such arms and ac((c))outrements."¹²

MR. HINCKS was glad that the gallant knight had replied in so spirited a manner to the appeal of the hon. member for Lambton. Nothing could be more absurd than these constant appeals about Upper Canada and Lower Canada majorities.¹³ He was sick of their repeated references to Upper Canada votes. The casual majorities of Upper Canada members of the House were twisted into perfect nuisances.¹⁴ He would consider it a most lamentable thing if the Government were strongly opposed to public opinion in either section of the Province, but he denied that it was fair to lay hold of casual divisions, when it was well known that the Government enjoyed the confidence of a large majority both of the Upper Canada and Lower Canada members. The practical effect of such appeals to sectional majorities would be to reduce members to a state of slavery--they would be afraid to vote on any measure according to their conscientious convictions, because the results might be snapped up at once that there happened to be a majority of one or two from one or the other section of the Province against Ministers. If it was attempted to be shown that this vote evinced any want of confidence in Ministers, let the hon. member for Lambton bring forward a direct vote of want of confidence, and see whether those hon. members who had voted with him on this motion would vote with him on that.¹⁵ Though some of his hon. friends near him with whom he generally voted differed with him and the Government on this question, they did not intend their vote on that occasion to be a vote of want of confidence, nor did they desire to record their votes in favor of the Government when they conscientiously dissented from their views, though they had a general confidence in ministers. This cry of Upper Canada and Lower Canada majorities on such questions was ridiculous.¹⁶ He was sure for example that his hon. friend for Grenville (Mr. Patrick) in the vote he had just give((n)) had no desire to bring on a ministerial crisis, or to prevent the Government from carrying on the business of the country.¹⁷

MR. BROWN said the hon. member for Renfrew had wasted a great deal of indignation to very little purpose. The hon. gentleman seemed to have but one idea running in his head, that of breaking down Administrations, and building up new ones, but such an idea had never crossed his (Mr. B's) mind.¹⁸ (Extraordinary laughter and cries of "oh! oh!")¹⁹ On the contrary he agreed with a great deal that had fallen from the hon. member for Renfrew. He considered that, when a Government had the confidence of a great majority of the House, they ought not to resign because some one vote went against them. But what he had ventured to suggest was, not whether there should be a ministerial crisis, not whether the gallant knight should resign, but whether he would not after this vote, in deference to the Upper Canada members, put off this question till the opinion of the country on so important a measure was ascertained. (Hear, hear.)²⁰ He had always opposed and denounced the double majority system as

absurd and mischievous. He had only spoken of the close division as a reason for postponement, as members manifested doubt, not as a cause for the resignation of ministers.²¹ It was no great wonder, however, that the idea of a ministerial crisis did strike the mind of the hon. member for Renfrew, seeing that they (sic) had scarcely been two successive days for a fortnight back in which the Government had not been left in an Upper Canada minority. But the idea that they ought to resign on that account had come, not from him (Mr. Brown) but from the hon. member for Renfrew, who on the present occasion as usual had come to the rescue of the ministry. (Hear, hear.)²²

MR. ROBINSON said that if he and two or three friends had not been accidentally out of the House, they would have given ministers a satisfactory Upper Canada majority.²³

MR. MURNEY.--The hon. member for Lambton has no idea of going into any administration. He made more money by the Globe and his bunkum speeches.²⁴ ((He)) said he supported this Militia Bill, because he believed the valuable ordnance lands to be surrendered to the Government would more than pay the whole expenses of this measure. The hon. member for Renfrew had challenged the opposition to move a vote of want of confidence in the Administration. He (Mr. Murney) trusted that that would not take place for the present. He looked upon the Government as improving. They had passed their worst measur((e)s²⁵. They had passed the obnoxious measures to which he objected,²⁶ and were now proceeding to pass those measures which would receive the support of Conservatives. (Hear, hear.) He still held them responsible for the evils which would flow from those measures they had already passed, but he believed the measures they were now to bring forward were far more conservative than the people of this country expected from them. (Hear, hear.) He should not be surprised to find himself soon crossing the floor and becoming one of their strongest supporters. (Hear, hear and laughter.)²⁷

MR. STEVENSON said he had received several communications from his county (Prince Edward) on the subject of the Militia Bill, and they were all in favour of it.²⁸

MR. GOULD stated that all the correspondents who had written him from his County (North Ontario) were strongly opposed to the Bill, and especially to the formation of a volunteer (sic) corps to do Police business. He hoped the Government would delay the measure till next session, for he really did not think the country was prepared for it.²⁹

MR. MACKENZIE could not say, like the hon. gentleman who had just spoken, that all the letters he had received on the subject were opposed to the measure. He then read amidst the laughter of the House, a letter addressed to him by one of his constituents,³⁰--

CALEDONIA, 17th March, 1855.

HONORABLE SIR,--As there are troops to be raised for the protection of the Canadas, and as I was a commissioned officer, holding the rank of Captain in Col. Bawdin's Corps of 6th Battalion at the time and date of 1838, as you and I are acquainted, and as I now want employment, I would thank you ((t))o recommend me to the Government to fill my former commission and any political affair that occurs in the County of Haldimand, I will do my utmost for you in the locality I

live in, especially, and for these services I will ever acknowledge your kindness and will be bound to pray.

I have the honor to be Sir,
Your obedient servant,

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He had been quite amused by seeing the hon. member for Renfrew get into such a position at the bare idea of any appeal being made to Upper Canada or Lower Canada majorities. Had the hon. gentleman so soon forgot that he would not have risen to the place he lately occupied as Premier of the country, but for such an appeal as that by his friend now speaking? (Hear, hear.) Did not the Baldwin administration receive a generous support from the Lower Canadians on the Court of Chancery business? And yet they resigned because they were left on that question in an Upper Canada minority. (Hear, hear.)³² He profitted (sic) by that. But he had since descended the scale a little, and was now the whipper-in of the Government, at the head of which was the honorable and gallant knight.³³ The member for Lambton had disclaimed any desire to embarrass the administration. He (Mr. Mackenzie) was not so scrupulous, and candidly confessed that if any vote of his could give them a wheel about, it would not be withheld (Hear, hear and laughter.)³⁴ He (Mr. Mackenzie) was an out and out opponent of the gentlemen opposite, and frankly confessed that he would be glad to make them "jump Jim Crow" to his side of the House; and it did seem to him that his hon. friend from Lambton, if he saw the country swaying between Scylla and Charybdis for want of a Government, would come to the rescue.³⁵ If his hon. friend from Lambton were induced to take hold of the helm with all the vigour imaginable, and would take along with him a set of the most worthy Puritans he could get, he (Mr. Mackenzie) would be glad to write something in favour of such an administration himself. (Hear, hear and laughter.)³⁶ (Mr. Hartman had a letter which had been addressed to him for Mr. Mackenzie to read.) The hon. member for North York's correspondent wants a captain's commission in the sedentary militia. The letter was signed "Adam"--he would say no more. The hon. member for Welland hands me another letter. It is, he tells me to say, from Mr. Wm. Woodruff, a gentleman with whom I am acquainted, and who is favorably known to every member of this house, having sat in the Parliament of Upper Canada. He says that the Crimean war, he always supposed would be made an excuse for a standing army in this Province to be officered by an idle, dissolute, codfish aristocracy. He had nothing further to say than that he was opposed to the bill, and would sit down.³⁷

MR. HINCKS said he was glad that the letters addressed to the members for North York, Haldimand, and Welland, had been publicly read, that the correspondents of those gentlemen might know how their confidence was treated (Oh! Oh!) The letter addressed to the member for Welland was from a gentleman for whom he (Mr. H.) entertained the highest respect, and while it was being read, he could have named the writer of it, before his name was mentioned. But the letter only shewed how little Mr. Woodruffe understood the Bill now under consideration (Oh! Oh!) He evidently thought that it pointed at something like a standing army to be kept continually under pay, while the measure contemplated nothing of the kind.³⁸ Would any one go into the militia force treated under this bill to make a living out of it, as men went into a regular army? Of course not.--If they were obliged to drill a certain number of days in the year, of course they should receive pay for their loss of time, as they did in the States, the model of many hon. gentlemen opposite.³⁹ When the Bill came to be rightly understood, instead of being unpopular, he believed it would be the most popular measure

before the country. (Oh! Oh!)⁴⁰ He believed ... the people of Upper Canada would be quite willing to pay the small sum required of them for the remuneration of those who do turn out.⁴¹

MR. ROBLIN came there prepared to deal with public questions as they came up. He did not feel that he required to send off for advice to his constituents or they would not have sent him here. He had not asked for any advice how to act, but he had received a couple of letters highly favorable to the law. The law at present in force was a mere burlesque and they needed an effective one in its place.⁴²

DR. CLARKE dit que le vote qui a eu lieu tout à l'heure ne prouve rien du tout contre le ministère, quoique plusieurs amis du gouvernement aient voté contre la motion de l'hon. Premier. Si le membre pour Lambton veut connaître la force du ministère et le sentiment de la chambre, qu'il propose un vote de non-confiance quand il voudra; mais qu'il ne choisisse pas un vote au hasard pour le disséquer, comme il vient de le faire ce soir.⁴³

MR. FOLEY voit d'après ce qu'ont dit les membres pour Renfrew et Wellington (MM. Hincks et Clarke), que les membres de l'autre côté de la chambre, lorsqu'ils ont la permission de voter comme ils l'entendent, suivant leur((s)) propres jugements, votent en opposition au ministère; mais quand ils ont reçu le mot d'ordre, ils supportent et supporteront toujours le ministère. C'est un aveu qu'il est bon d'enregistrer pour se le rappeler lorsqu'ils protesteront de leur indépendance de l'influence du gouvernement.⁴⁴

MR. S. SMITH (Northumberland) did not think that a person supporting the Government was obliged to vote for everything they brought forward. He had supported them in those measures which he considered Liberal, but if they brought forward any measure which he considered illiberal, he had as much right to vote against it as the member for Toronto or the member for Simcoe had to vote against their Liberal measures. If the member for Hastings (Mr. Murney) was right, and the Government were in future to be a Conservative Government, he (Mr. Smith) would very soon cross the House. (Hear, hear.)⁴⁵

MR. MURNEY.--You may be sure I am right. (Hear, hear and laughter.)⁴⁶

MR. S. SMITH proceeded to say that, because he supported the Government, he could not consent to wallow through the mire, and vote for everything they proposed, whether right or wrong, and he was glad to see that on this occasion the Reform members had had the independence in the vote they gave to consult their own feelings as to what was right. (Hear, hear.) The motion now before the Committee to vote 5000L to arm the Sedentary Militia of Canada was a perfect absurdity, and he should vote against it. 250,000L would not do it. 5000L would be a mere drop in the bucket, compared with what would be required. (Hear, hear.)⁴⁷ If this force was necessary, the sum voted was quite too small, if not wanted, as he believed, it would be thrown away. He believed the measure was not wanted by the country. It was not mentioned in the speech from the throne, and he did not feel bound to support it even as a ministerial supporter. With regard to the drilling, he would give the government this credit, none of them had ever attempted to drill him on the subject, they had hardly even asked

his views. The day has gone past when any government or leader of a government could drag members through the mire after them.⁴⁸

MR. MURNEY (who had taken his seat behind the ministry) said that he and the hon. gentleman who had just spoken had not one idea in common, but he was astonished that the Government had not succeeded in drilling their followers into a better state of feeling than was manifested by the speech to which they had now listened. (Hear, hear.) But the hon. gentleman's course just verified what he (Mr. Murney) had all along predicted--that the Reform supporters of the administration, after they had got from them the Clergy Reserve Bill, the Seigneurial Bill, and the Elective Legislative Council Bill, would say to them--we have got from you all that we wanted, and all we can, and now--good bye. (Hear, hear, and laughter.) He expected to see the whole of them to drop off from the Government very soon. Where would the member for Renfrew be found two weeks from this? Talk of the independence of the Reform party! Where was their independence when they selected the highest Tories to be found in Upper Canada to form an administration? Instead of shewing their independence they had for ever degraded themselves by it. And clever as was the hon. gentleman who had just spoken, he dared not go back to his constituents and plead as an excuse for the votes he had given, the speeches he was now making as an apology for the speeches he intended to make hereafter.⁴⁹

MR. A. DORION (Montreal) said that instead of the 5,000L now asked being sufficient, he had made a calculation from the data given in the Report⁵⁰. The arms of a force of 3550 men would cost 13,640L and to arm the whole sedentary militia numbering 200,000 would cost near 800,000L, say 770,000 at that rate⁵¹ ((OR)) 877,621L would be required to arm the 200,000 Sedentary Militia (Hear, hear.)⁵²

MR. PRES. EX. COUN. MACNAB replied that the Sedentary Militia would number not 200,000 but 400,000, but did the hon. gentleman suppose that the Government contemplated buying arms for the whole Militia men of the Province? No! But they had applied to the British Government for the 22,000 stand of arms now in store in this Province. The clause now under discussion provided that in no one year should they spend more than 2,000L for this purpose. The hon. gentleman's calculation was intended, not to enlighten this House, but to deceive the country. (Order, order!)⁵³

MR. A. DORION (Montreal) said that if 400,000 men were to be armed, the absurdity was still greater. (Hear, hear.) 5000L was a ridiculously small sum to vote for that purpose, but by voting even that much, they undertook the task of not resting till they had procured arms for the whole of those men. (Hear, hear.) But the gallant knight said it was probable they might be assisted by the British Government. It certainly showed very little foresight on the part of the administration to undertake the arming of Sedentary Militia before they had made conditions with the Imperial Government as to what assistance they would receive so that they might know exactly what sum would be required from the country. (Hear, hear.)⁵⁴

MR. BROWN said the object of the Militia Commission, and of the Bill now before the House, was to provide for the defence of the Province, on account of the withd((r))awal of the British troops. The gallant knight in his published report and in his speech had told them it would be necessary at once to provide

100,000 arms for the militia. But now after all the fuss and hurry that had been made, it appeared that not more than 5000L nor less than 2000L in one year was to be applied to the purchase of arms and accoutrements for 400,000 men! (Hear, hear.) Was a more ridiculous proposition ever heard of? Why, the largest of these sums would not buy one thousand Minie Rifles--which would give about a gun a piece to each Township?⁵⁵ Minie Rifles cost 3L or 4L a piece, and 5000L would therefore only arm a little over 1000 men.⁵⁶ In five years, there would be about money enough after this arrangement to supply the volunteer force with muskets, and in twenty years about one militia man in twenty (if the population stood still) might be supplied. (Hear, hear.) What was the meaning of this absurdity? Had the gallant knight discovered that his Military fervor had carried him too far--that no change was made in the relations of this country towards Great Britain? Had he abandoned his demand for a Provincial war establishment? Either the Province was to bear hereafter the burden of its defence or not. If it was not--then this Bill was totally unnecessary; if it was to bear the burden then the idea of performing it with one thousand muskets was mere folly. (Hear, hear.) True, the gallant knight said they might have 22,000 old muskets now in the Province--but he was too old a soldier to rely on such weapons in these days of improvement. (Hear, hear.) He perfectly agreed with the Solicitor General that if the Militia were to be hereafter the sole defence of the Province they should be armed in first rate style. (Hear, hear.) But he began again to hope that no such case existed--that the Imperial Government had not changed its attitude towards us and that the whole thing was only a rather hasty assumption of the gallant knight. He hoped the hon. gentleman would even yet bring down the despatch from the Imperial Government on which this Bill was founded, that the House might know exactly the amount of responsibility which was thrown on the Province. (Hear, hear.)⁵⁷

MR. MERRITT did not think the gallant knight should have replied to the member for Montreal (Mr. Dorion) in the manner he had, the remarks of that hon. member being perfectly just and fully warranted by the circumstances of the case. In this Bill they assumed the principle--and that was why he objected to it--that they were to arm the Militia at the expense of the Province. He objected altogether to their voluntarily assuming the defence of the Province, when they knew that Great Britain had always considered it her duty to protect and to defend, her dependencies. (Hear, hear.) If the gallant knight would confine himself simply to organizing the militia of the Province, every member of ... the House would go along with him. (Hear, hear.) But they objected to his going the length that this Bill did. The hon. member for Renfrew, said the gentleman who had written to the member for Welland did not understand the measure he wrote about. He (Mr. M.) had no doubt that that gentleman understood it quite as well as the hon. member for Renfrew. (Hear, hear.) He saw, what was the fact, that they were adopting an entirely new principle in assuming the arming and paying of the Militia, a thing they had never done before. In regard to the Volunteer Corps also, he considered that the Government were acting on an entirely wrong principle, in providing their clothing at the expense of the Province. If, as in the State of New York, the Volunteers were supplied with arms, and provided their own uniforms, he was sure that a much superior class of men would come forward to form the Corps. (Hear, hear.)⁵⁸

MR. PATRICK considered that Quebec was a most unfortunate place to discuss this measure. Last fall when the measure for re-organizing the militia was spoken of, the Premier told his friends that all that was proposed was to keep

up the skeleton of a force. But, being in Quebec, where there were troops stationed, and where there were a great many old fogies, old disbanded officers and others imbued with the military spirit, the Government had been bored by those parties until they were induced to bring forward the measure which was now before the House (Hear, hear).⁵⁹ If any measure would weaken the hold ministers had on the affection of the people of the country, it was this.⁶⁰ He had heard the sentiments of Sir Allan Macnab on the subject last fall, and he was very much surprised that, without any new cause, such an extraordinary measure as this should have been introduced by the Government. (Hear, hear). He had received various letters from his friends in regard to the measure and found that they were invariably opposed to it. He regretted exceedingly the course which the Government had pursued, and thought it would be decidedly better if they postponed the measure for a year. (Hear, hear.) He saw no necessity for arming the militia at present. The Member for Hastings (Mr. Murney) had argued in favour of the measure that the very large amount of ordnance property to be conceded to the country, would more than meet the expenses under this Act. He (Mr. Patrick) happened to know something of the value of that property, and he was fully satisfied that the expense that would be incurred in getting hold of it, would nearly absorb the whole of it.⁶¹

MR. PRES. EX. COUN. MACNAB.--The hon. gentleman who had just spoken had said there would be a great deal of difficulty in turning the ordnance property to good account, but he had not enlightened the House as to the extent of this information. He apprehended, however, that the hon. gentlemen (sic) knew very little about it. And what sort of an argument was it that there were a great many old fogies about Quebec? Old soldiers were perhaps as good as young ones, but he (Sir Allan) had never heard of any old fogies importuning the Government on the subject. He had received, however, letters from all parts of the country entirely approving of this Bill. He did not know a Bill containing the same number of clauses that had been so generally and heartily approved of throughout the country as this one. He saw the hon. member for Lambton laughing, but the hon. gentleman's laugh was of about as much value as most of his arguments against the measure. He would like to hear the hon. gentleman who had last spoken state his opinion on the value of the ordnance property, and he would sit down to afford him an opportunity of doing so.⁶²

MR. PATRICK knew there were valuable properties in Quebec, Montreal, Kingston and Toronto, but there were the Rideau and other Canals to be taken with them and kept in repair ditches which would swallow up the whole revenue from the rest.⁶³

MR. PRES. EX. COUN. MACNAB believed the value of the ordnance property was $1\frac{1}{2}$ or 2 millions of pounds. That in Kingston was worth 250,000L, and the property in Toronto was worth twice that amount.⁶⁴

MR. BROWN.--What property in Kingston are we to get, which is worth 250,000L?⁶⁵

MR. AT. GEN. J.A. MACDONALD.--The Herchimer farm, and I will undertake to sell it for that.⁶⁶

MR. BROWN.--A very few years ago it was sold for 30,000L.⁶⁷

Upon the House resuming after the recess for dinner, MR. PRES. EX. COUN. MACNAB⁶⁸ rose and intimated that in order to make the measure as acceptable as possible, the Government had agreed to strike out the 8th clause, which provided for arming the Sedentary Militia at the expense of the province, and also the 32nd clause, objected to by Mr. Merritt and others, which provided for the uniforms being furnished to the volunteer corps. By this clause being expunged, the volunteers will be supplied with arms and accoutrements, and will provide their own uniforms.⁶⁹

MR. BROWN ... would be glad to find that all the uniformed companies and special constable clauses were expunged.⁷⁰

MR. AT. GEN. J.A. MACDONALD explained, in reference to the expunging of the 8th clause, that the Imperial Government had pledged itself to defend the province, in case of aggression from without, and that in fulfilment of that pledge, he had no doubt that they would supply arms for the Sedentary Militia.⁷¹

Loud cries of Hear, hear from the opposition.⁷²

((MR. AT. GEN. J.A. MACDONALD continued:)) The volunteer corps, however, should be maintained at the provincial expense, in order to preserve good order within the province itself.⁷³ ((He)) admitted that the honorable member for Lambton was a genius, although he could not say that he was a military genius, the propriety of expunging this clause never occurred to him. With regard to uniforms little need be said on that score, as the volunteers were to be permitted to furnish their own uniform.⁷⁴

MR. A. DORION (Montreal) said that the honorable member for Haldimand had this very evening objected ((to)) the clause.⁷⁵

MR. BROWN said he was very sorry that the members for Montreal and Sherbrooke (Messrs. Holton and Galt) were not in their places. They would have been delighted to find such a distinguished convert to their views as the Attorney-General. (Hear, hear.) The honourable gentleman had in one sentence upset all the arguments by which the honourable premier had recommended the measure. (Hear, hear.) The premier averred that the defence of the province was thrown upon this country by the Imperial Government, and that 100,000 stand of arms would have to be provided at the expense of the province, to be placed in the hands of the militia. But now the honourable Attorney-General told the House that this was not at all necessary--that the home Government would continue as heretofore to defend the province, and that all that was wanted from the House was merely a Police Bill.⁷⁶

Cheers from the opposition.⁷⁷

((MR. BROWN continued:)) This then being a Police Bill, the only question now for their consideration was whether the force it created was suitable for the purpose. The gallant knight had submitted the measure to the House as a Military bill, but now it had dwindled down to a Police bill, and whether or not it fairly answered that object, it was clear they must look upon it in an entirely different light from what they had done formerly. (Hear, hear.)⁷⁸

MR. AT. GEN. J.A. MACDONALD said that every force was to a certain extent a police force. At the same time they must bear in mind that this country was left utterly defenceless by the withdrawal of the troops. They might rely on the pledged word of Great Britain that the whole force of the British empire would be put forth for the defence of this province, in the event of its being attacked by a hostile force. But, in order to enable Great Britain to carry out that pledge, it was necessary that we should have an organization, that the Imperial Government might be enabled to arm the militia of Canada. At present we have no organization. A certain number of persons were gazetted as ensigns, captains, and so forth, but that was the whole of it. And all that this bill provided for, was that whenever this province as a dependency of the British Empire was engaged in war, we should have the companies ready to receive arms from Great Britain and to turn out in defence of the province.⁷⁹ When they (the Government) inserted the clause in the Bill, the principal object in doing so was to show to the Imperial authorities the description of arms required⁸⁰. The volunteer force again was necessary to guard against either insurrection within our borders, or marauding excursions from without. At present, except a few troops in Quebec and a few battalions of Canadian Rifles along our frontiers, we had no protection whatever against fillibusters coming in for marauding or other purposes. The expense of the measure was a mere bagatelle, compared with the value of the ordnance property to be conceded to this province by the British Crown. He had already stated the value of the property in Kingston, and that of the 500 acres in Toronto must also be very great.⁸¹

MR. BROWN hoped that the honourable gentleman, after the explanation he had given, would have no objections to lay before the House the despatches the Government had received from England. He understood him now to say that there was no difference whatever in our position, from what it used to be in regard to the defence of the province--that no communications had passed between the Provincial and Imperial Governments to alter our position in that respect.⁸²

MR. AT. GEN. J.A. MACDONALD.--No!⁸³

MR. BROWN.--Then it appeared that the militia commissioners had gone altogether astray, for their whole report proceeded on the assumption that there was to be a change in our relations in regard to the defence of the province. (Hear, hear.) He was exceedingly glad to learn that that was not the case; for his strongest ground of opposition to the measure had always been the idea, based on the plain language of the report, that it was to change our position towards Great Britain. He was glad to infer from the Attorney General's explanation, that they had been fighting all the time with a thing that had no existence, except in the imagination of the gallant knight and his brother commissioners. But would it not have been better if the honourable gentleman had told the House so from the very first? (Hear, hear.) The expenditure involved in the measure would be very much reduced by the changes the gallant knight consented to make, in taking out the clause which virtually pledged the province to provide minie rifles and accoutrements for 100,000 men. He was glad that the Government had yielded this; and he thought it quite right that they should yield, in the face of such an opinion as had been expressed by the division in the early part of the day. (Hear, hear.) If they would only go a little further, and strike out some of the other objectionable features--that for instance which provided a body of 5,000 volunteers, for mere police purposes--an entirely new face might be put upon the question.⁸⁴

The 8th and 32d clauses were then expunged.⁸⁵

On the motion of DR. FRASER, an addition was made to the 7th clause to relieve Quakers, Tunkers, &c, from militia service.⁸⁶

On the clause (64) pointing out the places where armeries (sic) should be kept, ... MR. BELLINGHAM was apprehensive of the "dislocation" of the Province on the event of an invasion, and moved that St. Andrew's be one of the places at which armories were to be kept.⁸⁷

MR. FERRES knew the people of St. Andrews--they were an exceedingly quiet people in that respect, as an hon. member had suggested, compared favorably with Montreal. Lower Canada, he was glad to say, was, however, less unruly than Upper Canada, for only six Armouring (sic) depots were allotted to Lower Canada, while Upper Canada had nine.⁸⁸

Mr. Bellingham's motion was lost.⁸⁹

MR. MACKENZIE considered the 114th clause not according to Hallam; however much members of this Government might talk of following British precedent. No one yet knew how much was to be paid to the Adjutant General of Militia. He recollected the coup d'état of June last, when two lines of soldiers lined the street to this House at the nod of the honorable member for Renfrew, were sent about their business like children⁹⁰. ((He)) moved that the 114th clause be expunged, which enabled the Government to pay all sums of money required to defray any expense authorized by the act, without an annual vote by Parliament. He maintained that the power of this House, as representing the people, depended on their keeping the purse-strings in their own hands. The Government, he said, must surely be a frail body, to carry by a small majority a money clause before they went to tea, and then after they came back to take it out for fear of losing their bill. (Laughter.)⁹¹

MR. SOL. GEN. H. SMITH said the 114th clause had been already agreed to, and the motion for expunging it could not be put, if objected to, as he did.⁹²

MR. MACKENZIE.--You are afraid are you.⁹³

MR. AT. GEN. J.A. MACDONALD.--Though conscious of strength, the Government consented to meet the wishes of the minority of the House, running the risk of the ungenerous remarks of the honorable member for Haldimand. But with regard to the Militia, we pay them ourselves and arm them ourselves. We are not to make our Militia hangers on of the British army; but we will arm them and pay them and Her Majesty's Government will repay this country every farthing.⁹⁴

All the clauses having been agreed to, and the money clauses filled up, the committee rose and reported the bill as amended⁹⁵.

(803)

The House, according to Order, again resolved itself into a Committee on the Bill to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose; and after some time spent therein, Mr. Speaker resumed

the Chair; and Mr. Powell reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Tuesday next.

Ordered, That the Return relative to the Royal Instructions to His Excellency the Governor General, presented yesterday, be printed for the use of the Members of this House.

Mr. Pouliot reported the Bill to incorporate the Montreal Locomotive, Marine and Steam Forge Works Company; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Tuesday next.

The House then went in Committee of the Whole on the Legislative Council Bill, the first clause of which that "no Legislative Councillor shall hereafter be appointed by the Crown" was agreed to without discussion.⁹⁶

The second clause being read, MR. PAPIN moved an amendment to the effect that the present members of the Legislative Council should not continue to sit after the passage of the bill except elected.⁹⁷

MR. COM. CR. LANDS CAUCHON stated that to insert such a clause was to insult the Council by proposing to them a bill to annihilate themselves, and thus to risk the loss of the bill.⁹⁸

MR. PAPIN said the Council could, if they pleased, amend that clause if it were carried. Let the House carry the clause in its own way, and if the Council did not like it they could alter it.⁹⁹

MR. POST. GEN. SPENCE said he wished to offer some remarks on the speech of the honourable member for Norfolk, who accused him, the other night, of having on one occasion blown hot in regard to the elective principle in this bill, and on another occasion of having blown cold in reference to the same principle.¹⁰⁰

DR. ROLPH.--I said you had admitted that the elective principle ought to be introduced into the Legislative Council--that was blowing hot; and on the other hand that you insisted the old nominated members should, in your new measure, remain there for life--that was blowing cold; and he (Dr. R.) objected to it.¹⁰¹

MR. POST. GEN. SPENCE proceeded to say that he had never departed from the ground he had taken that the elective principle should be introduced into the Legislative Council, and in providing that the nominated members should remain for life, so as to facilitate the passage of the measure through the Upper House, he believed he was taking the most direct course to get the elective principle introduced. But it came with an exceedingly bad grace from the late President of the Executive Council to charge him with blowing hot and blowing cold in reference to this measure. It was very singular what the change of circumstances would produce. (Ironical cries of hear, hear.) In the Executive Council the honourable gentleman advocated this very principle of permitting the present members an extended existence, permitting them to remain in their seats for life. (No! no!) The bill prepared by the late administration of which Dr. Rolph was a distinguished member, commenced by saying that nothing contained in it should be "construed to affect the seats of any of the present members,

except as hereinafter provided." (Cries of "read on.") Mr. Spence said he did not think he was bound to read the whole bill, but proceeded to read another clause which provided that those appointed after the 1st January, 1854¹⁰² ((OR)) after the first of February, 1854¹⁰³, should cease to be members at the expiry of two years from the passing of the act. (Hear, hear.) If that was the saving clause under which the honourable gentleman sheltered himself, he was welcome to all the advantage it could afford him. The honourable gentleman denied, the other night, the propriety of the present members being retained in their seats, by him, (Mr. Spence,) but according to the bill from which he had just read, they were all to hold their seats for life, except those appointed after the 1st January, 1854. He believed he had proved the honourable gentleman guilty of a gross inconsistency, and he hoped he would, as a spirit of frankness and fair-play, rise and acknowledge that he was deeply in error when he charged him (Mr. Spence,) with blowing hot and cold in regard to this measure.¹⁰⁴

DR. ROLPH said that in charging the Post Master General with blowing hot and cold, he had merely drawn an inference from the objectionable measure before the House, which that hon. gentleman supported, a thing which it was perfectly within the limits of Parliamentary debate for him to do. But when that hon. gentleman rose and charged him with being guilty of supporting a measure one day and opposing it from corrupt motives the next, he must say that that was not within the proper limits of Parliamentary debate from the Treasury benches, and it was a very satisfactory thing that very seldom indeed, did they see such a course taken by any one in this House, except by the Post-master General. (Hear, hear.) The hon. gentleman accused him of inconsistency. But what he had agreed to on former occasions in the several measures introduced by the late government was to allow the members of the Legislative Council to remain for a limited period and to go out by rotation. (Cries of hear, hear, and no, no.) That was the scheme proposed in Mr. Morin's resolutions, which he had supported while in the government and in the house--that one-third should go at the end of two years, one-third at the end of four years, and the remaining third at the end of six years. (Hear, hear.)¹⁰⁵ The member for Renfrew ought to recollect it.¹⁰⁶

MR. HINCKS said that was certainly so as to the address.¹⁰⁷

((DR. ROLPH continued:)) That was all he was answerable for. He had supported that as a member of the government and in the house, and he was willing to go for it now, (hear, hear,) and surely there was a very wide difference between giving these gentlemen notice to quit and allowing them to remain for life under the new aspect of the measure and of the ministry, although the Postmaster General seemed to think the two cases were identical. (Hear, hear.) He considered that was a sufficient answer to the Postmaster General, but he might add that he could not but remark that when that hon. gentleman took up the Journals to read from them, he read just what answered his own purposes. (Hear, hear.) The hon. gentleman appealed to his (Dr. Rolph's) candour, but he asked whether it was candid for an hon. member to rise up and read garbled extracts, to read only a part of the truth. (Hear, hear.)¹⁰⁸

MR. POST. GEN. SPENCE.--I deny that I read garbled extracts. Did he expect me to read the whole bill? But does the hon. gentleman mean to say that he did not as a member of the government consent to the introduction of a bill embracing the retention of their nominee and the elective principle?¹⁰⁹

DR. ROLPH.--The hon. gentleman has no right to ask me any questions, to answer which would require from me the disclosure of a Cabinet discussion. (Hear, hear.) I am sure that hon. gentleman opposite should be the last to wish any such precedent set up. The hon. gentleman has only a right to appeal to me in regard to what I have agreed to on the Journals of the House. He ought to have referred to Mr. Morin's resolutions alone, and to the amendments made by the house, and to the bill, if he pleased, sent for action in England, as containing the views of the government and of himself (Dr. R.); all which measures comprehended substantially the same details to carry out the same principle.-- But it seems he (Mr. Spence) does not refer, as he (Mr. Rolph) thought he did, to any of those measures by which he (Mr. R.) was willing to abide, but to any unpromulgated one, of which he had no copy before him, or, he believed in his possession; one which perished with the disruption of the late ministry, and was at the moment out of his recollection; one which certainly differed in so many vital points from the new and objectionable measure before the house from the present government, as to admit of no parallel as to the relation, expediency or admissibility of particular details.¹¹⁰

MR. HINCKS felt it his duty as a member of the late Government to offer some observations on the subject under discussion. At one time he thought that there was some misunderstanding on the part of the hon. member for Norfolk, for that hon. gentleman referred exclusively to the resolutions proposed by Mr. Morin and adopted by the House on which the address to the Queen had been founded, whereas his hon. friend the Post Master General had reference to the bill subsequently introduced by Mr. Morin. He (Mr. H.) had felt that the hon. member for Norfolk had made a most unfair attack on the Post Master General for assenting to the principle of allowing the present members of the Legislative Council to retain their seats for life. It was true that when the resolutions were under consideration, he (Mr. H.) and the hon. member for Norfolk had supported the principle of removing those members periodically; but they did so expecting Imperial Legislation. When it was determined by the Imperial Parliament to allow us to legislate on the subject ourselves, we had to consider not only what was best, but what was practicable. The bill had to be passed by the Legislative Council itself, and it was hardly reasonable to suppose that a body, the members of which held their seats under a patent for life, would agree to their own extinction. As a question then of manifest expediency, it had to be considered, and the late Government of which the hon. gentleman was a member had adopted the very principle contained in the present bill, and now complained of by him. It was a measure inherited by them from the late Government. From the course taken by the hon. gentleman in abstaining from all reference to the Government bill, he (Mr. H.) presumed that he intended to treat it as an important measure of the late administration, and to shelter himself under the screen of secrecy. If so, he (Mr. H.) must express his entire dissent from such a position. The measure had been adopted--its leading features made known to the supporters of the Government having been finally settled, and it had been brought before Parliament in the speech from the throne. It was absurd therefore to treat this as a secret. As to the alteration with regard to the six new members that was not a question of principle but simply of expediency, and it was of little importance except to parties interested. He (Mr. H.) regretted much that the hon. member for Norfolk should have made an attack on the hon. Post Master General so very unfair under the circumstances.¹¹¹

MR. BROWN said the house had been treated to a very extraordinary scene during the last half hour¹¹² one member revealing the transaction which had taken place in the secrecy of the Cabinet. This was most disreputable, and where was it to end. What limit would be set to this violation of Cabinet secrecy? If it were to go on they would have all sorts of improper revelations with criminations and recriminations. When a member of a former Cabinet was guilty of a like offence and revealed what transpired within the Executive Council Chamber, who more vehemently and properly denounced him than the honorable member for Renfrew.¹¹³ The honorable Postmaster General got up in his most tragic vein, bursting with indignation, and proceeded to make a fierce onslaught on the honorable member for Norfolk. When he began his attack, he (Mr. Brown) wondered what fearful crime the honorable member had been guilty of, and which was about to be disclosed to his utter annihilation. (Hear, hear.) After a while up started the ex-Inspector General (Mr. Hincks) to the aid of his vassal, primed and loaded for the demolition of the poor member for Norfolk. And there, too, sat her Majesty's administration prompting and cheering the assailants as earnestly as if the tenure of all their offices were at stake in the contest. (Hear, hear.) Really the thing had the appearance of a deliberate conspiracy--as if the guns had been all loaded, shotted, and primed ready for the fight. And what was all this fuss about? Why, it seems the honorable member for Norfolk said, a night or two ago in the course of debate, that the honorable Postmaster General "blew hot and blew cold!" (Laughter.) The honorable Postmaster General was of a very sensitive disposition, and waxing exceeding wroth at the charge, he came here to-night to prove that the honorable member for Norfolk blew hot and blew cold too. (Laughter.) How wonderfully fastidious honorable gentlemen were becoming! Only fancy the idea of a member of the present administration--and that member the member for Wentworth, of all men in the world--getting nervous at being charged with blowing hot and cold! (Laughter.) Why, let any one look at them as they sit there, and say if there is one of them who has not blown hot and cold on this very measure.¹¹⁴

Cheers from the opposition.¹¹⁵

((MR. BROWN continued:)) Who does not remember their speeches on the Elective Council Bill of last Parliament--their opposition to every clause of it--their fierce declarations that it would lead to republicanism and annexation; but here they all are to-day, with an entirely different tale! (Hear, hear.) Is not that blowing hot and cold? Who has forgotten their opposition to secularization--their loud denunciations of the sacriligious (*sic*) measure; who has forgotten their Seigniorial Bill of one hour and their totally different measure of the next? (Hear, hear.) These are the gentlemen, forsooth, who wax indignant at being told they blow hot and blow cold! For his part, he would like to know the question on which they did not blow hot and blow cold. Toryism the one day, and Liberalism the next! (Hear, hear.) This very afternoon, had they not a full hot blast from the honorable member for Hastings (Mr. Murney), and a cold blast from the other side of the happy family, by the honorable member for Northumberland? (Mr. S. Smith.) Just look at the honorable member for Wentworth sitting alongside of the honorable member for Hamilton and the honorable member for Montmorency (Mr. Cauchon), and say if it is anything else but a hot and cold administration? (Cheers and laughter.) He wondered at their objecting to the term--he thought they would have rejoiced in it; for assuredly if blowing hot and blowing cold was not their chief glory, they had no glory at all. (Hear, hear.) As regarded the charge against the honorable member for Norfolk,

he confessed he did not think the honorable gentlemen, with all their plotting, had made out any case. What did they aver? That the honorable member had himself, as member of the late government, brought in a bill which left the existing councillors members for life of the new chamber. Undoubtedly the honorable member for Norfolk was responsible for the resolutions of 1852, by which the existing councillors were to go out one-third every three years, and for the resolutions of 1853, by which they were to go out one-third every two years, so that all would be gone in six years. But that was a very different thing from leaving the whole of the appointed members in the council for life, as the present government now proposed. The only ground, then, on which the charge could be sustained against the honorable member was, that he was responsible for the bill introduced by Mr. Morin, shortly after the present house met last fall. He (Mr. Brown) could only say that some days after the new ministry was formed, when leaving for Upper Canada, he had applied to Mr. Morin for an early copy of his Council Bill; Mr. Morin gladly favored him with a copy in proof sheets and informed him at the same time that it was the bill of the new ministry. (Hear, hear.) But here, the honorable member for Renfrew was brought upon the stage. He was called as a witness to prove that however true it might be that the member for Norfolk had not been a party to bringing in the bill--he had agreed to it in council, before the late ministry broke up. Was it competent for that house to go behind the door of the council chamber and inquire what advice particular members there gave? (Hear, hear.) Was it competent for them to have her Majesty's sworn advisers coming and telling tales against each other as to what they did behind the scenes? Had the honorable member for Renfrew the consent of the Governor General to make disclosures of cabinet secrets in his attack on a brother councillor. (Hear, hear.) Had the hon. gentlemen (sic) well reflected on the consequences which might flow from such a proceeding might make--how readily the member for Norfolk reprisal by disclosing some circumstances which the member for Renfrew might dread to hear disclosed? Had the hon. gentleman forgotten his own indignation when a member of a former Government left it and professed to make great disclosures--did he not still remember the doubt which fastened on the public mind as to which party told the truth--and did he yet in the face of these recollections himself adopt a course which might result in scenes no less discreditable to the country? It was all very well for hon. gentlemen to try to turn away public attention from their own misdeeds by attempting to show inconsistencies in others--but they had better look to themselves. He would recommend the hon. Postmaster General to reflect whether when before his constituents he dare have avowed that he would support an eight years chamber--that he would retain all the old Councillors to get rid of whom was the very object of the Bill--and above all that he would repudiate Representation by Population, virtually declaring that three persons in Lower Canada shall have the same political influence as four in Upper Canada? The hon. gentleman would find out what his constituents thought of his conduct on this measure, as he had already found out their views in regard to the commutation clause.¹¹⁶

MR. AT. GEN. J.A. MACDONALD.--Hear, hear.¹¹⁷

MR. BROWN.--The hon. Attorney General calls out "Hear, hear," but he should be the last to refer to the inconsistencies of others. The hon. gentleman must recollect his admirable speech in 1852 upon this very question.¹¹⁸

MR. AT. GEN. J.A. MACDONALD.--Which I never made.¹¹⁹

MR. BROWN.--The speech in which he tore the resolutions of the then Government to shreds, and shewed the utter inconsistency of such a scheme.¹²⁰

MR. AT. GEN. J.A. MACDONALD.--I never said a word about it.¹²¹

MR. MACKENZIE.--I was sitting near you at the time!¹²²

MR. BROWN.--Yes! and I congratulated him on the speech he made, and he congratulated me on the speech I made. (Hear, hear.) I am sorry that he should so much have changed his blast, as to be blowing cold in 1855 against his hot of 1852. (Hear, hear and laughter.)¹²³

MR. AT. GEN. J.A. MACDONALD said the breath of the hon. member for Lambton himself had not always been of the same temperature. During the late elections, the Globe came out with the cry--down with Rolph and Malcolm Cameron--we can stand anything else--we can stand Toryism, we can stand Sir Allan Macnab and John A. Macdonald, but we cannot stand Rolph! Corrupt may be Sir Allan Macnab, and steeped to the chin in Toryism, and John A. Macdonald may be following in his footsteps, a budding Tory at least--they are not bad fellows, however, for Tories--but put down Rolph and Cameron. (Laughter.) Now, however, when the hon. member for Norfolk was unable to defend himself against this charge of want of candour, up got the hon. member for Lambton to stand by him¹²⁴ because he may be of service to him in the opposition. In 1851 and 52 when Penitentiary Commissions and printing were to be had who praised the hon. member for Renfrew more highly; who when these things ceased took to abusing him more soundly. Was it right or honorable for the hon. member for Norfolk in his position to attack his hon. friend and colleague the Post Master General in the way he had done.¹²⁵

MR. MACKENZIE.--Oh! Oh!¹²⁶ He never did.¹²⁷

MR. AT. GEN. J.A. MACDONALD.--Ah the hon. member for Haldimand was coming to the rescue too--he was blowing hot now for the hon. member for Norfolk--Well he had blown cold too, when he called that hon. member "an artful old dodger."¹²⁸ (Laughter.) It was curious to see the member for Norfolk supported on the one side by the member for Lambton, and on the other by the member for Haldimand, who not long ago were trying with all their might to crush him. But now such was the exigency of political parties that they were glad of the assistance and aid even of the member for Norfolk. They might have it if they liked, and much good might do them. But was it fair and right, and within the limits of courtesy and the fairness, with which one man should treat another, that the member for Norfolk should attack the Postmaster General for doing what he had done himself? The member for Lambton said that this was a cabinet secret and that the member for Renfrew had done very wrong in letting it out. But be that as it might, the member for Renfrew said that such was the case, and the member for Norfolk could not deny it. But he denied that this was a cabinet secret. In the speech from the throne at the opening of the session, the attention of parliament was called to the subject of introducing the elective principle into the Legislative Council, and Mr. Morin's bill was prepared and handed round to the friends of the government, and even he (the Attorney General) got a copy of it among the rest. Everybody saw it, everybody knew it was the programme of the late administration.¹²⁹

MR. BROWN.--When did you get a copy of it? I never did.¹³⁰

MR. AT. GEN. J.A. MACDONALD said he got it before he was a minister, before he entered the council chamber. But this was not the only case in which the member for Norfolk had shown a ((s))imilar forgetfulness of his acts as a minister of the crown. He would not speak of cases in which he had disappeared through the door, whenever an inconvenient vote came up on a measure which he was bound to support as a member of the government.¹³¹

DR. ROLPH.--Name one such vote.¹³²

MR. AT. GEN. J.A. MACDONALD.--However willing the hon. gentleman was to be in the Administration, he tried to save a little small remnant of popularity by going out at the door whenever an unpopular vote came up. But did not the House remember how his Excellency in his speech from the Throne called the attention of Parliament to the necessity of an adjustment of the Clergy Reserve question, and did not the hon. member for Norfolk advise his Excellency to make that speech with the word adjustment in it. And after the Government was changed, did not the hon. gentleman vote against his own speech, and actually declare that he could not vote for the speech which he as the sworn adviser of the Crown, had advised the Representative of the Sovereign to make, because the word secularization was not in it. It required a veteran hardihood, inspired by long service, to make such an attack on the Postmaster General for inconsistency, when he who made the attack was distinguished by a life-long series of every kind of tergiversations.¹³³ They all knew the quiet stealthy pace with which he crept to the door.--No bell was rung--no noise heard--no door banged, but they saw him in his place one moment, and the next when the division came and they looked around he was gone, and the place that had known the member for Norfolk knew him no more. He had passed away in a dissolving view. (Loud laughter.)¹³⁴

MR. FOLEY.--Just as you did on the Church measure the other night. (Hear, hear.)¹³⁵

MR. AT. GEN. J.A. MACDONALD then proceeded to vindicate on its own merits, the feature of the Bill, by which the nominated members are to remain for life, along with the elected members.¹³⁶

MR. MACKENZIE said that if the Journals of last Parliament were examined, he had no hesitation in saying that no two members shirked the votes more frequently than Sir Allan MacNab, and the present Attorney General Macdonald. (Loud cries of Hear, hear.) He had carefully examined the Journals and found that in most of those cases where it was supposed their votes would in any way clash with the feelings of the Lower Canadian members those two gentlemen were constantly absent, expecting no doubt that they would make the arrangement that has since been made, by which they found the Commissioner of Crown Lands, the Postmaster General and the other members of the Cabinet, sitting all amicably together. (Hear, hear.) As to the charge against the hon. member for Norfolk, he held in his hand a copy corrected by the Clerk of the House, of the Bill which was sent to London and agreed to by the Administration of which the member for Renfrew and the member for Norfolk were members. And in this Bill he found that half of the old members were to go out in two years, and the other half in four years. (Hear, hear.) The Postmaster General had talked and talked with an everlasting flood of words--(laughter)--but he did not tell the House the plain fact that according to this arrangement assented to by the member for Norfolk,

all the old members would have vacated their seats at the expiry of four years. (Hear, hear.) There was an infinite difference between that and keeping them there for life. (Hear, hear.)¹³⁷

MR. POST. GEN. SPENCE.--That is not the Bill submitted by the late Government to Parliament.¹³⁸

MR. FOLEY.--The late Government submitted no Bill to Parliament. (Hear, hear.)¹³⁹

MR. MURNEY said the Attorney General would not admit he had made a speech against an Elective Council. He was surprised that he should forget the glorious speech he once made, which he wound up by thanking the Almighty that we had a House of Lords.--(Hear, hear.) But now, not content with merely bowing to public opinion and giving up the constitution which he then lauded, he must needs argue the Bill by detail, as not only something which must be, but as something which he approved of, and actually reproduced the arguments which the member for Haldimand and others used to urge twenty years ago. (Hear, hear.)¹⁴⁰

MR. RANKIN made some remarks in favour of the principle of allowing the present members to retain their seats for life.¹⁴¹

DR. ROLPH then rose to reply to the renewed attacks which had been made upon him.¹⁴² ((He)) said that the power of dissolution reserved in a previous bill of Mr. Morin's gave Government the power of purging the Council when it saw fit if obstructive.¹⁴³ Having shown from Mr. Morin's resolutions, and from the Bill sent over to England, that as a member of the Government and of Parliament, he had pledged himself to no measure different from what he was still ready to support, he proceeded to refer to the remarks which had fallen from the Attorney General West. It was a matter of comfort to him that, although the learned gentleman had had several days to rake and scrape everything together he could think of, in order to charge inconsistency upon him, he had only been able to bring up two instances--while if he (Dr. R.) had had till to-morrow to look over the Journals, he was satisfied that he would have been able to point out, as the honorable member for Haldimand had truly said, many more inconsistencies in the conduct of the learned gentleman himself, during the late and present Parliaments. (Hear, hear.) One of the inconsistencies with which he (Dr. Rolph) was charged, was in reference to the term "adjustment" ... of the Clergy Reserve question in the Speech from the Throne. In reply to that charge, he would tell the honorable gentleman that in that matter he had done what he would do again in the same circumstances. When he consented to the use of the term "adjustment" in the speech from the throne, he felt he was surrounded by colleagues, who were not only pledged to secularize the Reserves, but who were willing to do so, and he felt that any term was sufficiently strong, and would give ample security to the country that the question would be settled as expressly promised, according to the well-understood wishes of the people. But were not circumstances woefully changed, when he found the enemies of that measure assuming the position of carrying it out, a deed which he thought no moral or political delinquency on their part could possibly cause them to do? (Hear, hear.) When he found the measure was in the jaws of the lion, in the hands of persons who had vowed eternal enmity to it, had he not a right to ask a little stronger expression from them than from the tried friends of the measure? (Hear, hear.) Was he not consistent in requiring from them a bond under seal, although a word

might have been enough from the late Government? He would have proved false to the interests of the people, if he had said--those terms are strong enough to pledge a Reform Government, and they must be strong enough to pledge the Tory Government who have assumed their places, gentlemen who have bargained for the luxuries of office on the terms of carrying out measures to which they had always been conscientiously and bitterly opposed. Could he possibly believe that the Attorney General West, for example, would belie the whole policy of his previous life by going into the Government and carrying out a measure which he had called sacrilege, a violation of the most sacred rights of the Christian community. (Hear, hear.) He had a right to suppose that they could not, under any such honest delusion, be guilty of what they conceived to be such a crime against the Church and State, and that after they had enjoyed the sweets of office for a season, their consciences would have smitten them, and they would turn round, under a stinging compunction, and say they could not do it, that they would stop short of actual perpetration. (Hear, hear.) He now asked where was the boasted inconsistency! He had advised the Crown to declare its pleasure in favour of an adjustment "according to the no doubtful expression of public opinion at the late election," and personal consistency as well as his obligations to the Crown and people, required him to bind the honorable gentlemen opposite to do it. Upon what presumption could the honorable and learned gentleman claim from him (Dr. Rolph) or from any one, or from the country, the same confidence on this question as was awarded for three years to the late Government? The late Government were supported by the Reform party, representing the great bulk of the people and their wishes; the present Government are supported by Tories, and politically exist only by the sufferance of some Reformers, who rather follow than mix up thoroughly with them; Reformers, who, incapable of the "Fusion" with them, fancifully sought for by the honorable member for Renfrew, were often seen shaking off the dust and flying off from them at a tangent in the right line of progressive reform. An incongruous Government! one of discordant materials, without harmonious elements in itself, and without responsive sympathy with the country. He again asked where was the boasted inconsistency? He was consistent to withhold from the latter any confidence extended to the former ministry. (Hear, hear.) And he now asked whether his caution on that occasion, his consistency on that occasion, had not been fully borne out by the way in which the Government had dealt with the question? (Hear, hear.) Had they really carried out the measure which they promised?--(Loud cries of no! no!) And the hon. Attorney General now regretted that he (Dr. R.) had not fallen into the trap, by then consenting that the term "adjustment" was sufficient. Had he done so, the learned gentleman might very well turn round upon him now, and say--have we not "adjusted" the Reserves, all that you required us to do? (Hear, hear.) But he knew very well that, when the time came, they would shrink from fairly carrying out the measure they promised. And what was the fact? How had they carried it out? By putting in the commutation clause--by making out of those Clergy Reserves a permanent endowment for certain Churches, in violation of the equal rights of others. (Hear, hear.) Seeing then that they had betrayed confidence, and mutilated the measure placed in their hands by the introduction of this commutation clause, he asked whether he had not been quite consistent in the vote he gave, that they should pledge themselves, not to an adjustment merely, but to an entire secularization of the Clergy Reserves. (Loud cries of hear, hear.) The learned gentleman had accused him of absenting himself from votes on delicate questions, and he had asked him to point out from the journals of Parliament for the last 30 years, the instances in which he had been "dissolving views" on great questions, but

the learned gentleman had failed to do so. But had not the Attorney General shewn "dissolving views" himself? The hon. gentleman was present the other evening when the Church question, moved by the member for Toronto came on, and he told his friends "he would vote against it if he dared," but as he dared not vote against it, he became "dissolving views." (Loud cries of hear, hear.) Only imagine the hardihood of the hon. gentleman twitting him (Dr. R.) with that term, when it was notorious that he dissolved himself on the Church question, because he had not the manhood to stay there and vote against his colleagues. (Hear, hear.) And then to tell his friends that he would have voted against the measure if he dared! Dared! Had the hon. gentleman lost the courage for which he was proverbial, or was he afraid of expulsion from the cabinet by the hon. and gallant knight? (Hear, hear.) He was, indeed, glad that the hon. and gallant knight, worth half a dozen of them put together, could keep the learned gentleman from insubordination; that like a Wellington he could effectually hold up to our Canadian Huskisson the penalty of independent action. Taking the benefit of a hint, he becomes "dissolving views," and leaving the Church and the Treasury Benches, he became beautifully less and less till he was evanescent at yonder corner door.¹⁴⁴

MR. FOLEY.--No--yonder door down the stairs.¹⁴⁵

DR. ROLPH.--And down the stairs he broke the neck of his own consistency! And now, as he saw that the hon. member for Renfrew had taken his place, he must allude to his share in the attack. He had readily entered the lists with the other gentlemen, because in their case it was all open and fair discussion,--but there was something so unworthy in the assault of the member for Renfrew, that he cannot allow it to pass. He had forborne alluding to anything that took place on a measure that had its proper existency only in the Council, when challenged to do so, believing it to be inconsistent with his former and present position, although he was prepared with the abundant answer which he had given to the Postmaster General. But the member for Renfrew had chosen to enter into a conspiracy with honourable gentlemen on the treasury benches, in order to bring home to him what he supposed would be a charge of inconsistency. He (Dr. Rolph) had shown there was no inconsistency, and that there was a wide difference between his position under that bill, and the position occupied by the Postmaster General under the present bill. That he was not to be held to a bill, a floating bill, open to his own discretion and that of every member of the Government prior to its introduction into Parliament. His consistency was not to be judged by initiatory measures or opinions in council, and in council only, even though a measure may have been printed for the use of the council and as a feeler among friends outside, the pres((s))ure of whose views might lead to more desirable modifications before its final adoption and introduction into that House. Discretion and future prospects under it, might be entrusted to a Reform Government; but what discretion and future prospects had they from a Tory Government, which had already mutilated the Clergy Reserve bill, and mangled one for the Legislative Council? He might accept a first step in advance from a progressive Government, but neither duty to himself nor to the country justified the same confidence or the same hazard with a nondescript Government, in every movement going backwards and downwards to the dead level of the former Conservatism. He must claim all from a Government that would give nothing if they could help it, and give grudgingly what it did give, and retract even that the first opportunity! It was in him, (Dr. R.) consistency, and not inconsistency. It has been just intimated to him, that the bill charged against him (Dr. R.)

had a clause empowering dissolution, under which dissolution the whole Council might be renovated. This alone would be a sufficient answer. But he did protest against any member of the Cabinet rising in this House, and, notwithstanding his oath of secrecy, undertaking to disclose what honourable gentlemen in the Executive Council might have said or done. (Loud cries of Hear, hear.) The member for Renfrew said he did not think it was a matter which came strictly within the secrecy required by his sworn obligation, nor did he care. But he (Dr. R.) would like to know where that sort of thing was to end if every man was to be himself the judge of how much he should tittle tattle out of the Cabinet. (Hear, hear.) He might make some allowance for political disclosures made in confidence to friends, but when a man had so little regard for his official obligations and for his political honour, when he was so hackneyed in transactions of that kind in public life that he could rise without a blush, and without shame, and undertake to aid in this crusade against him (Dr. R.), by violating his obligation not to disclose what took place within the sanctuary of the Cabinet--a man who did so in open Parliament loosened, and would soon dissever, all which could hold statesmen together. (Hear, hear.) And he would say more--he did not believe there was another hon. member in this House, who had ever been in a former Cabinet, or who now sat on the Treasury Benches, who would rise in a public assembly, and would cool((l))y, without compunction, deliberately and premeditatedly publish what he knew of the votes of any of his colleagues in the Cabinet on any particular question. (Hear, hear.) Still this had evidently been pre-arranged. The proof of such a bill was not enough, because he (Dr. R.) might have really voted against it. It was, therefore, necessary to disclose what was done at the Council-table, and how he (Dr. R.) had voted. To fix certainly the charge of what he terms a gross inconsistency, he (Mr. Hincks) moved among his late colleagues, and asked these unsuspecting gentlemen how he (Dr. R.) had voted on that occasion; and after eliciting an innocent answer, down he comes to that House, and with the utmost coolness tells them what he had gleaned, and how cleverly he could fix on him (Dr. R.) the odium of a supposed political inconsistency. But a thousand such inconsistencies, if they existed in any case, would be lost in this gigantic inconsistency of the hon. member for Renfrew. But this was not the only occasion in which the member for Renfrew had thus acted. He remembered that the hon. gentleman had treated him just in the same way on the question of the postponement of the Clergy Reserve settlement--that he then authorized the Leader to tell what was his (Dr. Rolph's) position on that question, what was the opinion he had expressed upon it in the Cabinet, just as he had risen now to state what was his opinion in the Cabinet on the present measure. When he saw that article in the Leader, stating that it had authority for declaring what was his opinion and conduct in the Council on the question of the Clergy Reserve postponement, he felt it was a monstrous thing, and asked the Attorney-General East, whom he gladly now saw in his place, and the rest of his colleagues, who it was that had given the authority for the statement. They all disclaimed having done so; and the member for Renfrew himself, with as much solemnity of countenance as a minister could pronounce a benediction, declared that he knew nothing of it, and that he had often wondered how in the world the Leader got hold of its political news, but that he himself had no connection with it, nor held any communication with it, directly or indirectly. Feeling that he should not allow himself to be trifled with in that way, he got a friend of his in Toronto to call at the Leader office, and ask who was their authority for the statement referred to? "Mr. Hincks," was the reply. (Loud cries of "Hear, hear.") And his friend received from Mr. Lindsay a memorandum, stating that the authority was a letter,

to Mr. Morrison of Niagara, from Mr. Hincks, saying that the Leader might say that Dr. Rolph had agreed to so and so. (Hear, hear.) This chisel, or intrigue, or inconsistency, or by whatever name it might be called, was in good keeping with the like display before the House this night. (Hear, hear.) Dr. Rolph then proceeded to retort upon the hon. member for Renfrew the charge of inconsistency, however gross he might paint it, by declaring that it was merged in the political inconsistencies of the gravest kind, attributable to him (Mr. Hincks), who had gratuitously and wantonly entered the lists that night, under the banners of the two hon. gentlemen opposite. He (Dr. R.) introduced him to the House as a convert to Reform, who, nourished by it, worked his way into a Reform Government, under Mr. Baldwin. That was one blast. He (Mr. H.), with irregular inconsistency, forsook Mr. Baldwin, and, intriguing with the Tories, joined them and their government. This was another blast, one hot--the other cold; and it drew from Mr. Baldwin the memorable saying, "Political confidence, once forfeited, can never be regained." But getting on the weak side of Mr. Baldwin, he (Mr. H.) again became a Reformer in the Government of the same gentleman. This was another blast. And now they saw the same gentleman harmonizing with a Tory Administration, which he had sacrificed every consideration to form--and joining two of their number to descant upon his (Mr. Rolph's) inconsistencies! Was it right for the hon. member to charge him with inconsistency, with blowing hot and cold, when he (Mr. H.) had himself blown so many, and such opposite, though perhaps advantageous blasts? (Hear, hear.)¹⁴⁶

MR. HINCKS was not surprised, considering the rather scandalous course taken by the hon. member for Norfolk, and the disreputable position which he now occupied before the House and the country, that he should endeavor to divert attention from himself by an attack upon him (Mr. Hincks). The hon. member charged him with meddling in a quarrel with which he had nothing to do, and with bringing unworthy assistance to his hon. friend, the Post Master General. It was for the P.M. General to say whether he deemed the assistance unworthy, and believing that he did not so consider it, he (Mr. H.) would not be deterred, by any remarks of the hon. member for Norfolk from delivering his opinion to the House whenever he deemed it expedient to do so. He (Mr. H.) had been shocked, a few evenings ago at the attack made on his hon. friend, the Post Master General, by the hon. member for Norfolk, because his hon. friend was a member of a government which had admitted the principle of allowing the present members of the Council to retain their seats for life, knowing as he (Mr. H.) did that the government of which he and the hon. member for Norfolk were members had admitted the same principle. The hon. member had been publicly convicted of this most shameful conduct, and how does he defend himself? Not by denying the charge, but by trying to fasten upon him (Mr. H.) the guilt of having violated his oath of office by the disclosure of a cabinet secret. The attack was worthy of its author. But he (Mr. H.) was well assured that there were few members of this House who would agree with the hon. gentleman. What! was he to be told that after the government had agreed upon a measure, after that measure had actually been recommended to parliament in the speech from the throne, after its leading provisions had been explained not only to the friends of the government, but to the public, was he to be told that the fact of its adoption was a cabinet secret? The proposition was in the highest degree absurd. He (Mr. H.) had not referred to any deliberations on the subject; he had not stated or referred to any thing that took place in the cabinet, but he had most assuredly referred to the final conclusion of the government, of which the hon. member for Norfolk formed part, on an important question of public policy. But the hon. member had

made another accusation against him (Mr. H.), of betraying cabinet secrets. He alleged that he (Mr. H.) had authorized the Toronto Leader to make a statement regarding the course taken by him (Dr. Rolph,) in the cabinet, on the question of postponing the clergy reserve question until after a dissolution of parliament, and after so betraying a cabinet secret that he (Mr. H.) had solemnly denied that he had done so. He (Mr. H.) would very soon convince the committee that the charge of the hon. gentleman was utterly false. He must, however, make a few observations by way of preface. During the time when the hon. member was in the government with him (Mr. H.), it had been remarked very generally that frequent attacks were made on the government by newspapers professing specially to support the hon. member. Prominent among them was the Toronto North American, edited by Mr. McDougall, with whom the hon. member kept up a confidential correspondence. The fact was that the hon. member was acting with the grossest treachery towards his colleagues while he was in the government, and caballing with parties outside, and with none more than the hon. member for Brant, now sitting beside him, and forming the one joint left of the tail of the hon. gentleman. The people of the country were thoroughly convinced of the systematic treachery of the hon. gentleman, and he had consequently lost that hold upon public confidence which he once enjoyed. To come, however, to the accusation. When the government had arrived at the conclusion that the clergy reserve question must be postponed until after the dissolution, it was also agreed that the decision should be communicated in the ordinary way through the press. Announcements of the government policy were made accordingly, and among other papers in the Toronto Leader. On this, the North American, with whose editor the hon. member was in confidential correspondence, denied that Dr. Rolph had consented to postponement. Such an allegation, it was obvious, was calculated to be of serious damage to the government, and accordingly his hon. and learned friend, the member for Niagara, then Solicitor General, and residing at Toronto, had called his (Mr. H.) attention to the statement. He had asked his hon. and learned friend for a statement of what occurred, and it coincided altogether with his own recollections. In reply to his hon. and learned friend, he had assured him that there was no difference in the cabinet, that the question was settled, and that he might authorize (sic) the Leader to say so. He had done nothing more than authorize a mere formal announcement of a policy not only fully agreed on, but which the members of the government wished that the public should understand was its settled policy. He never authorized any reference to the name of the member for Norfolk, nor did his hon. and learned friend. The Leader made the statement in his own way, without any suggestion from any one connected with the government, and he (Mr. H.) had nothing to do with the matter, beyond writing a confidential letter in reply to his hon. and learned friend, communicating to him information which he specially applied for. The hon. member, on seeing the paragraph, telegraphed to his friend, Mr. McDougall, the very party who had asserted that he (Dr. Rolph) did not concur in a policy to which he really had given his concurrence, and this party occupying this position applied to the Leader for his authority. The whole difficulty here again was caused by the manifest treachery of the hon. member towards his colleagues and his intrigues (sic) with the enemies of the government to which he belonged. The hon. member had thought proper to comment at some length upon his (Mr. H.) political career. It was not his (Mr. H.) intention to enter into any defence of his conduct many years ago, as he was sure that by doing so he would only tire the patience of the Committee. He must, however, advert to the charge having relation to his conduct at the period of the late change of ministry. It had been alleged that he had held a meeting with Mr. Wilson and

other friends, and that he had communicated with that gentleman relative to the formation of a government. He (Mr. H.) was astonished that a gentleman professing such a knowledge of constitutional principles as the hon. member, should make such an assertion. It was not for him (Mr. H.) to enter into such a discussion, involving, as it would have done, an invasion of the royal prerogative. It was true he had called a meeting of his political friends, with a view to give Mr. Wilson such a political position as a gentleman enjoying a large amount of confidence on the part of the members of this House, as would indicate him to Her Majesty's Representative as a person who might be able, under certain circumstances, to command a sufficient amount of parliamentary support. At the time this meeting was held, Sir Allan MacNab had been sent for by His Excellency, and that fact was well known to the meeting.¹⁴⁷

MR. FOLEY rose and denied that this fact was known, and asserted that the avowed object was to form a liberal administration.¹⁴⁸

((MR. HINCKS:)) He ... must repeat that the fact was fully known, and he would appeal to hon. friends around him for the correctness of his assertion.¹⁴⁹

Hear, hear, from several Upper Canada liberal members.¹⁵⁰

((MR. HINCKS continued:)) It was his belief that the hon. and gallant knight would be unable to form a government. It was, of course, impossible at the time for him (Mr. H.) to conjecture that the gallant knight would agree to settle the pending questions--the Clergy Reserves, Seigniorial Bill, and Legislative Council Bill. He had no idea whatever that he could be able to do so, and he desired to indicate, as far as his influence went, Mr. Wilson as a gentleman who might unite moderate men of all parties. He hoped that in the event of the failure of Sir Allan MacNab, a government would have been formed which would have received very much the same kind of support as the present government.¹⁵¹ He (Mr. H.) could see at that time no mode of forming a Government, except one which should unite the support of men of moderate principles of all parties in the House--moderate Conservatives and moderate Liberals.¹⁵²

MR. FOLEY.--No! No! You did not say a word about that at the caucus meeting.¹⁵³

MR. HINCKS.--What sort of Government did the hon. gentleman suppose it possible for Mr. Wilson to form?¹⁵⁴

MR. FOLEY.--Reform, of course.¹⁵⁵

MR. HINCKS.--Was there any communication with the gentlemen now forming the opposition?¹⁵⁶

MR. FOLEY.--I was communicated with, for one.¹⁵⁷

MR. HINCKS said that Mr. Foley had come to Parliament as a faithful supporter of the late Government, and when he asked him to the meeting, he thought he was inviting a political friend, but he had since gone over to more kindred spirits, and he wished him and them luck of the bargain. But it should be observed that at the very time this meeting was held, he (Mr. H.) was aware of the fact that the gallant knight had been sent for to form an administration.¹⁵⁸

When he (Mr. H.) found that Sir Allan MacNab was likely to form a Government on a satisfactory basis, it was his opinion that it ought to be supported. He could discover no materials for any other. The first person he consulted was Mr. Wilson, but he found that gentleman unable, owing to personal feeling to give that Government any aid. He entered into the whole subject with him with great frankness, and he (Mr. H.) was not aware that Mr. Wilson made any personal complaint.¹⁵⁹

MR. FOLEY said that could not have been the case, for the meeting was held within 20 minutes of the time that the late Government resigned, and that Sir Allan MacNab had been sent for was not stated at the meeting. But Mr. Hincks said that if Sir Allan were sent for, and an attempt made to form such an administration, he (Mr. H.) would oppose it, and would go at once on the opposition Benches. And to avoid that, he said he would place Mr. Wilson in a position to form a Government. Any hon. gentleman present at the meeting could corroborate what he had said.¹⁶⁰

MR. HINCKS said that after that meeting the position of affairs entirely altered when it became known that Sir Allan was to carry out the measures of the late administration. But at the time the meeting was held, it was impossible he could know that Sir Allan would be prepared with a measure, for example, to settle the Clergy Reserve question, and he did not then think it likely that Sir Allan could form an administration which he (Mr. H.) could support and after the subsequent conduct of Mr. Wilson on the opposite side of the House, he (Mr. H.) certainly would not support him.¹⁶¹ As to his own position he could only say that he was not afraid of the judgment of his constituents or the public at large. He had nothing to regret in the course he had taken either at the time of the formation of the Ministry or since. As to the hon. member for Norfolk he had brought about the whole of this discussion by his ungenerous and uncandid attack on the Post Master General.¹⁶²

MR. SOL. GEN. H. SMITH pointed out that under the bill of the late Ministry the power of dissolution which the member for Norfolk had spoken of as justifying his support of that measure and opposition to the present on account of the permanency of the seats of the nominated members, did not affect the seats of those member((s)) at all--but those of the elective members solely.¹⁶³ ((He)) pointed out that there was no deviation in principles between the present Bill and the one of the previous government for the Reform of the Legislative Council.¹⁶⁴

MR. CHRISTIE said he had been described by the member for Renfrew as one of the joints in the tail of the member for Norfolk. He would only say he was proud to follow the lead of that hon. gentleman, but he could assure the member for Renfrew that he could never again have that confidence in him (Mr. Hincks) which he once had, and it would be long, long, before he followed in his lead again. (Hear, hear.)¹⁶⁵

The second and third clauses of the Bill were then adopted, and the committee ((rose.))¹⁶⁶

(803)

The House, according to Order, resolved itself into a Committee on the Bill to amend the Imperial Act re-uniting the Provinces of Upper and Lower Canada;

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Alleyn reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

(804)

Then, on motion of the Honorable Sir Allan N. MacNab, seconded by the Honorable Mr. Attorney General Macdonald.

The House adjourned until Tuesday next.

((NOTICE OF MOTION FOR AN ADDRESS RE: SEIGNIORIAL TENURE BILL.))

MR. A. DORION (Montreal) ((donne avis que)) mercredi prochain ((il fera motion pour une)) Adresse à son excellence le gouverneur général, le priant de faire mettre devant cette chambre, copie des instructions qui ont été données aux commissaires nommés en vertu de l'acte seigneurial de 1854, pour les diriger dans l'exécution de leurs devoirs.¹⁶⁷

((NOTICE OF MOTION FOR AN ADDRESS RE: PUBLIC DEBT.))

MR. RANKIN ((donne avis que)) mardi prochain ((il fera motion pour une)) Adresse à son excellence le gouverneur général, demandant qu'il lui plaise de faire une cédule (pour l'information de cette chambre) de la dette et des garanties de la province dans l'ordre suivant:

1. Le montant brut des débentures de la province, vendues et payables en Angleterre émises pour la dette actuelle de la province, n'étant pas encore payées, et quand elles deviennent dues.

2. Le montant brut les (sic) débentures, émises ou vendues en ce pays, pour la dette actuelle de la province, n'étant pas encore payées, et quand elles deviennent dues.

3. Le montant brut des débentures émises et non payées pour le prêt du feu de Québec, et quand elles deviennent dues.

4. Les états ci-dessus devant renfermer toutes les débentures qui ne sont pas maintenant payées, et le principal et l'intérêt desquelles doivent être chargés sur le fonds consolidé de la province.

Aussi une cédule du montant brut des débentures émises délivrées, et qui ne sont pas payées, à chacune des diverses compagnies de chemins de fer de cette province, comme garantie provinciale.

5. Le montant brut de toutes débentures, qui ne sont pas payées, de tout chemin ou autre commission de quelque nature ou description que ce soit, pour lesquelles la province est caution soit pour le principal ou pour l'intérêt.

6. Le montant brut des débentures émises en vertu de l'acte du fonds consolidé d'emprunt municipal du H.-C., en faveur de chaque municipalité et pour quelle fin; ces états devant être prêts à la fin du présent mois, et sous telle forme que non seulement la dette positive, mais la garantie de la province puissent être constatées de suite.¹⁶⁸

((NOTICE OF MOTION FOR AN AMENDMENT RE: POSTAGE BILL.))

MR. J. DORION (Drummond et Arthabaska) ((donne avis que))--En comité de toute la chambre sur le bill, No. 200, pour rendre libre la circulation des journaux--Remplacera la lère clause du dit bill, par la suivante: "Tous les journaux, feuilles ou pamphlets périodiques et documents parlementaires publics en Canada, seront transportés par la malle, libres de tous les frais de port."¹⁶⁹

((NOTICE OF QUESTION RE: MILITIA.))

MR. LARWILL ((gave notice that)) on Tuesday next, ((he would make an)) enquiry of the Ministry, whether it is the intention of the Government, in re-organizing the Militia, to form companies of colored people or negroes, and

officer such companies by persons of their race; also, whether it is the intention of the Government to appoint staff, field or general officers from Her Majesty's colored subjects or negroes in this Province, and if not, why not; also, what number of colored persons or negroes are holding Her Majesty's commissions in this Province, either in a civil or military capacity, and also, whether it is the intention of the Government in the re-organization of the Militia, to make any distinction of color or race, or whether they will pursue the more harmonious course, and make one conglomerated whole.¹⁷⁰

((NOTICE OF QUESTION RE: TIMBER.))

MR. AIKINS ((gave notice that)) on Tuesday next ((he would make an)) enquiry of the Ministry, whether there is any system of checks on persons appointed to act as Collectors of Timber dues, at the Port of Quebec or elsewhere, and, if so, of what kind.¹⁷¹

((NOTICE OF QUESTION RE: PROVINCIAL POLICE FORCE.))

MR. EGAN ((gave notice that)) on Tuesday next ((he would make an)) enquiry of the Ministry, whether it is the intention of the Government to adopt measures, during the present Session, for the organization of a Provincial Police force.¹⁷²

FOOTNOTES: 4 APRIL 1855.

1. GLOBE, 18 April 1855.
2. HAMILTON SPECTATOR, 14 April 1855.
3. LE PAYS, 10 April 1855.
4. HAMILTON SPECTATOR, 14 April 1855.
5. IBID.
6. IBID.
7. LE PAYS, 10 April 1855.
8. IBID.
9. IBID.
10. IBID.
11. GLOBE, 18 April 1855.
12. IBID.
13. IBID.
14. HAMILTON SPECTATOR, 14 April 1855.
15. GLOBE, 18 April 1855.
16. MORNING CHRONICLE, 9 April 1855.
17. GLOBE, 18 April 1855.
18. IBID.
19. TORONTO DAILY LEADER, 11 April 1855.
20. GLOBE, 18 April 1855.
21. MORNING CHRONICLE, 9 April 1855.
22. GLOBE, 18 April 1855.
23. MORNING CHRONICLE, 9 April 1855.
24. TORONTO DAILY LEADER, 11 April 1855.
25. GLOBE, 18 April 1855.
26. MORNING CHRONICLE, 9 April 1855.
27. GLOBE, 18 April 1855.
28. IBID.
29. IBID.
30. IBID.
31. TORONTO DAILY LEADER, 11 April 1855. The ellipsis is replicated as per this newspaper, and stands in place of the writer's signature.
32. GLOBE, 18 April 1855.
33. HAMILTON SPECTATOR, 14 April 1855.
34. GLOBE, 18 April 1855.
35. HAMILTON SPECTATOR, 14 April 1855.
36. GLOBE, 18 April 1855.
37. TORONTO DAILY LEADER, 11 April 1855.
38. GLOBE, 18 April 1855.
39. MORNING CHRONICLE, 9 April 1855.
40. GLOBE, 18 April 1855.
41. MORNING CHRONICLE, 9 April 1855.
42. IBID.
43. LE PAYS, 10 April 1855.
44. IBID.
45. GLOBE, 18 April 1855.
46. IBID.
47. IBID.
48. MORNING CHRONICLE, 9 April 1855.
49. GLOBE, 18 April 1855.
50. IBID.

51. MORNING CHRONICLE, 9 April 1855.
52. GLOBE, 18 April 1855.
53. IBID.
54. IBID.
55. IBID.
56. MORNING CHRONICLE, 9 April 1855.
57. GLOBE, 18 April 1855.
58. IBID.
59. IBID.
60. MORNING CHRONICLE, 9 April 1855.
61. GLOBE, 18 April 1855.
62. IBID.
63. MORNING CHRONICLE, 9 April 1855.
64. GLOBE, 18 April 1855.
65. IBID.
66. IBID.
67. IBID.
68. MORNING CHRONICLE, 9 April 1855.
69. GLOBE, 18 April 1855.
70. TORONTO DAILY LEADER, 11 April 1855.
71. GLOBE, 18 April 1855.
72. IBID.
73. IBID.
74. TORONTO DAILY LEADER, 11 April 1855.
75. IBID.
76. GLOBE, 18 April 1855.
77. IBID.
78. IBID.
79. IBID.
80. TORONTO DAILY LEADER, 11 April 1855.
81. GLOBE, 18 April 1855.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. TORONTO DAILY LEADER, 11 April 1855.
88. HAMILTON SPECTATOR, 14 April 1855.
89. TORONTO DAILY LEADER, 11 April 1855.
90. IBID.
91. GLOBE, 18 April 1855.
92. IBID.
93. TORONTO DAILY LEADER, 11 April 1855.
94. IBID.
95. GLOBE, 18 April 1855.
96. GLOBE, 19 April 1855.
97. MORNING CHRONICLE, 9 April 1855.
98. IBID.
99. IBID.
100. GLOBE, 19 April 1855.
101. IBID.
102. IBID.
103. MORNING CHRONICLE, 9 April 1855.

104. GLOBE, 19 April 1855.
105. IBID.
106. MORNING CHRONICLE, 9 April 1855.
107. IBID.
108. GLOBE, 19 April 1855.
109. IBID.
110. IBID.
111. MORNING CHRONICLE, 9 April 1855.
112. GLOBE, 19 April 1855.
113. MORNING CHRONICLE, 9 April 1855.
114. GLOBE, 19 April 1855.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
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120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. MORNING CHRONICLE, 9 April 1855.
126. IBID.
127. GLOBE, 19 April 1855.
128. MORNING CHRONICLE, 9 April 1855.
129. GLOBE, 19 April 1855.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. MORNING CHRONICLE, 9 April 1855.
135. GLOBE, 19 April 1855.
136. IBID.
137. IBID.
138. IBID.
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140. IBID.
141. IBID.
142. IBID.
143. MORNING CHRONICLE, 9 April 1855.
144. GLOBE, 19 April 1855.
145. IBID.
146. IBID.
147. MORNING CHRONICLE, 9 April 1855.
148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. GLOBE, 19 April 1855.
153. IBID.
154. IBID.
155. IBID.
156. IBID.

- 157. IBID.
- 158. IBID.
- 159. MORNING CHRONICLE, 9 April 1855.
- 160. GLOBE, 19 April 1855.
- 161. IBID.
- 162. MORNING CHRONICLE, 9 April 1855.
- 163. IBID.
- 164. HAMILTON SPECTATOR, 14 April 1855.
- 165. GLOBE, 19 April 1855.
- 166. IBID.
- 167. LE PAYS, 10 April 1855.
- 168. IBID.
- 169. IBID.
- 170. MORNING CHRONICLE, 7 April 1855.
- 171. IBID.
- 172. IBID.

TUESDAY, 10 APRIL 1855.

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MR. SPEAKER laid before the House, the Accounts of the Trinity House of Montreal, for the year 1854.

For the said Accounts, see Appendix (X.)

And also, Statements of the Affairs of the Guelph and Arthur Road Company on the 14th March, 1855; and of the Albion Plank Road Company on the 31st March, 1855.

For the said Statements, see Appendix (F.F.)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Robinson,--The Petition of Thomas Lloyd and others, Clerks of Division Courts for the County of Simcoe.

By Mr. Jobin,--The Petition of the School Commissioners of Pointe Claire.

By Mr. Gill,--The Petition of the School Commissioners of the Parish of St. Thomas de Pierreville.

By Mr. Fergusson,--The Petition of Joseph Wood and others, of the Township of Eramosa, County of Wellington; the Petition of James Peters and others, of the Township of Eramosa, County of Wellington; the Petition of Thomas Armstrong and others, of the Township of Eramosa, County of Wellington; the Petition of Robert Scott and others, of the Township of Eramosa, County of Wellington; and the Petition of the Municipal Council of the County of Wellington.

By Mr. Bowes,--The Petition of the Coldstream Division, No. 212, of the Order of the Sons of Temperance.

By Mr. Charles Daoust,--The Petition of the Reverend F. Perrault and others, of the Parish of St. Clément de Beauharnois.

By Mr. Thomas Fortier,--The Petition of Norbert Béliveau, of the Parish of St. Grégoire, County of Nicolet; the Petition of the Reverend A.C. Leclerc and others, of St. Edouard de Gentilly and other places; and the Petition of A. Poudrier and others, of the Parish of St. Pierre les Becquets.

By Mr. Gould,--The Petition of J.P. Plank and others, of the County of Ontario.

By Mr. Sidney Smith,--The Petition of D.E. Boulton, Mayor, and others, of the Town of Cobourg; and the Petition of the Cobourg and Peterborough Railway Company.

By Mr. Masson,--The Petition of the Reverend A. Beaudry and others, of St. Etienne de La Malbaie, County of Saguenay.

By Mr. Lumsden,--Two Petitions of the Municipality of the Township of Whitby; and the Petition of the Municipal Council of the County of Ontario.

By Mr. Ferrie,--The Petition of William Osborne and others, of the County of Waterloo; the Petition of Robert Wyllie and others, of the Township of North Dumfries and the Village of Ayr, in the County of Waterloo; the Petition of John Watson and others, of the County of Waterloo; and the Petition of William Tilt and others, of the County of Waterloo.

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By Mr. Dionne,--The Petition of J.A. Roy and others, of the Parish of St. Arsène de Kakouna.

By Mr. Frazer,--The Petition of Jacob Current and others, of the County of Welland; and the Petition of the Municipality of the Township of Willoughby, County of Welland.

By Mr. Foley,--The Petition of H.B. Bowman and others, of the County of Waterloo; the Petition of John A. Mackie and others, of the County of Waterloo; the Petition of Alexander Buchanan and others, of the County of Waterloo; the Petition of James DeWitt and others, of Port Royal, in the County of Norfolk; the Petition of John A. Stearns and others, of the County of Norfolk; the Petition of S.P. Maybee and others, of the Township of Walsingham, in the County of Norfolk; the Petition of Luke Cook and others, of the Township of Middleton, County of Norfolk; and the Petition of W. McClellan and others, of the Township of Middleton, County of Norfolk.

By Mr. Brown,--The Petition of William Clements and others, of the County of Middlesex; the Petition of Joseph Carden and others, of the County of Wellington; the Petition of George Robb and others, of the County of Elgin; the Petition of James Brown and others, of the Township of Fullerton, County of Perth; the Petition of Kenneth Murchison and others, of the Township of Fenelon, in the County of Victoria; the Petition of Hosea Baker and others, of the County of Elgin; the Petition of William Marsh and others, of the Township of Dorchester, County of Middlesex; the Petition of John Mason and others, of the County of Elgin; the Petition of the Reverend John Corbett and others, of the County of Ottawa; the Petition of D.W. Rowland and others, of the County of Elgin; the Petition of Alexander Ross, junior, and others, of the Township of Eldon, in the County of Victoria; the Petition of James McIntyre and others, of the County of Renfrew; the Petition of O.G. Collamore and others, of the Township of Sombra, in the County of Lambton; the Petition of John Brierly and others, of the County of Middlesex; the Petition of Andrew Hossie, senior, and others, of the Township of Moore, County of Lambton; the Petition of John Graham and others, of the County of Huntingdon; the Petition of James Reid and others, of the Township of Sombra, County of Lambton; the Petition of John McGregor and others, of the County of Kent; the Petition of James J. Teeple and others, of the County of Elgin; the Petition of John Watson, A.M., and others, of the County of Huntingdon; the Petition of James Gordon and others, of the County of Huron; the Petition of the Reverend W. Graham and others, of the County of Huron; the Petition of George Rickey and others, of Long Island, on the Rideau River; the Petition of Archibald Dickson and others, of the County of Huron; the Petition of A. Pritchard and others, of the County of Ottawa; the Petition of Duncan S. McLaren and others, of the County of Lambton; the Petition of John McKay and others, of the County of Grey; the Petition of Robert Gibbons and others, of the County of Goderich; the Petition of John Palmer and others, of the Township of Sombra, County of Lambton; the Petition of the Reverend Matthew Bar and others, of the Township of McKillop, County of Huron; the Petition of Thomas Falconer and others, of the County of Peel; the Petition of Robert Blackwood and others, of the County of Elgin; the Petition of D. McPherson and others, of the County of Elgin; and the Petition of R.H. Travers and others, of the County of Elgin.

MR. BROWN having presented 30 or 40¹ petitions against the commutation clause,²

MR. PRES. EX. COUN. MACNAB asked the honorable member for Lambton if he had not prepared all the petitions himself, and asked the honorable gentleman to reply.³

MR. BROWN gave no answer⁴.

MR. PRES. EX. COUN. MACNAB said the same form of petition appeared to have been sent all over the country. But to shew the ulterior object which the hon. member for Lambton had in view he would read a portion of an article which lately appeared in the Globe.⁵

"Now, we say that Upper Canadian Reformers have nearly succeeded in putting down the Church of England, as a dominant power in the State; and if they desire peace and progress, if they have at their heart the completion of the good work they have begun, it is the Romish Church which they must next assail."⁶

Ironical cheering of the French Canadian members⁷.

((MR. PRES. EX. COUN. MACNAB continued:)) "Some say that they should not attempt so great a task, but should rather agitate a repeal of the Union of the Province. This is the advice of the coward. In order to be a great state we must continue our alliance with Lower Canada, and even extend our borders further to the East; in order that our British friends in Lower Canada may not be sacrificed, we must cement the connexion; in order that the Lower Provinces may be regenerated she must not be left to her own decrees. A great work is to be done, and the Reformers of Upper Canada, who have triumphed over many obstacles by their intelligence, energy, and perseverance, are the men to do it."⁸

MR. BROWN said that hon. gentlemen opposite understood very well how to pick out all little bits of articles, and by reading them produce an unfair impression. But he endorsed fully every word that had been said in the article referred to. The course which had been pursued by the Legislature towards the Church of England, ought in justice to be pursued towards all churches. Separation between Church and State should be complete. No State Endowments should be given to any Church. So clear was this that he did not believe there was any Roman Catholic in this House of liberal sentiments who would not respond to what he said. The gallant knight thought he would raise a clamour against him by appealing to Roman Catholic prejudices, but there was nothing in that article for which voluntaries had not always contended--that there should be an entire separation of Church and State, and a removal of those Endowments which had proved so injurious to the prosperity of the country, and which had occasioned more excitement and bad feeling in the Province than all other causes put together. All that would have been saved, had the voluntary principle been carried out sooner. (Hear, hear.) He felt justified, therefore, in maintaining that the whole system of stipendiaryism of the Church by the State should be put an end to for ever. The gallant knight talked of the petitions having been sent out by members of this House. This they had never concealed. They had taken up the challenge thrown out by the other side that there was no public opinion against commutation, that no indignation meetings had been held and that they had failed to get up petitions. They had accepted the challenge--they had called on the country to give an expression of opinion, and the result was seen in the large number of petitions now before the House. He would ask hon. gentlemen to look at the names attached, and to add up the sum total even of those already presented, and then to say whether it did not shew pretty clearly what was the public opinion of Upper Canada on this subject. He believed he was safe in saying that no political act during the last ten years had caused a stronger feeling of indignation throughout the country than had this commutation clause of the Clergy Reserve Act. The ... people felt that a fraud had been practised on them, and he could scarcely believe that the Ministry, in the face of the

opinion which had been expressed, would consummate the scheme which they had threatened to carry out. At all events he hoped that the promises given to the hon. member for Peterborough (Mr. Langton) would be carried out--namely, that before anything was done in the matter, full statements should be laid before the House shewing who were to be commuted with and for what amounts. (Hear, hear.)⁹

MR. LANGTON, having been referred to by the hon. member for Lambton, begged to state what was his recollection of the promises made by the Government. When he asked that such a statement as had been mentioned should be laid before the House, the reply was that it would be brought down so soon as the Government themselves were in possession of the necessary information. This, though not in words identical with what had been stated by the hon. member for Lambton, amounted to precisely the same thing.¹⁰

MR. COM. CR. LANDS CAUCHON having risen to speak,¹¹

MR. HOLTON asked if there was any question before the chair, or if the present debate was in order?¹²

MR. SICOTTE the SPEAKER said he had allowed the hon. member for Lambton to reply to the hon. Premier who had made particular reference to him, but to continue the debate would be out of order.¹³

MR. POST. GEN. SPENCE then desired to know from the Speaker if the rules of the House extended to the permitting the member for Lambton to speak at any length on an important subject, taking occasion to attack Hon. members, and yet not permit members when thus assailed to reply.¹⁴

MR. SICOTTE the SPEAKER said that the member for Lambton not having been interrupted, he did not feel it his duty to stop him although his course had been singular.¹⁵

MR. COM. CR. LANDS CAUCHON said he would take another opportunity of shewing what was the meaning of the article which had been read by the gallant knight.¹⁶

All the petitions were soon after this scene presented to the House¹⁷.

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By Mr. McCann,--*The Petition of the Mechanics Institute and Scientific Association of L'Orignal.*

By Mr. Daly,--*The Petition of J. Hyde, M.D., and others, of the County of Perth; the Petition of James H. Dunsmoor and others; and the Petition of Alexander Grant and others, of the County of Perth.*

By Mr. Hartman,--*The Petition of Philip Bogart and others, of the County of York; the Petition of Thomas Playter and others, of the West Riding of the*

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County of York; the Petition of James Kavanagh and others, of the County of York; and the Petition of George Hughes and others, of the County of York.

By Mr. Papin,--*The Petition of Joseph Frichette and others, of the County of Berthier, Censitaires; and the Petition of Jacques Courchainé and others, of the Parish of St. Cuthbert, County of Berthier.*

By Mr. Holton,--The Petition of James Egan, of the City of Montreal, Contractor; and the Petition of Molsons Bank, of the City of Montreal.

By Mr. Aikins,--The Petition of W.W. Walker and others, of the County of Peel; the Petition of Thomas Henry, M.D., and others, of the County of Peel; the Petition of William Ward and others, of the County of Peel; the Petition of Samuel G. Ogden and others, of the County of Peel; the Petition of John Watson and others, of the County of Peel; and the Petition of W. McDonald and others, of the County of Peel.

By the Honorable Mr. Cauchon,--The Petition of the School Commissioners of the Parish of St. Jean, County of Montmorency.

By Mr. Chisholm,--The Petition of T. Baxter and others, of the County of Halton.

By Mr. Christie,--The Petition of John Heslop and others, of the County of Wentworth.

By the Honorable Mr. Rolph,--The Petition of John Barber and others, of the County of Norfolk.

By Mr. Chapais,--The Petition of the Reverend J.L. Marceau, Curé, and others, of Ste. Cécile du Bic, County of Rimouski.

By Mr. Mackenzie,--The Petition of Hugh Matheson and others, of the County of Bruce; the Petition of John McIntosh and others, of the Townships of Arthur and Garafraxa, in the County of Wellington; the Petition of John L. Shell and others, of the Township of Markham, in the County of York; the Petition of Joseph Burrows and others, of the Counties of Brant and Waterloo; the Petition of William Bethune and others, of the Township of Walpole, in the County of Haldimand; the Petition of Horace Capron and others, of the County of Brant; the Petition of David Smellie and others, of the Townships of Vaughan and York, in the County of York; the Petition of John Doner and others, of the Township of Markham, in the County of York; the Petition of John Kirk, M.D. and others, of the County of Haldimand; the Petition of Jacob Williams and others, of the Township of Markham, in the County of York; the Petition of John McKenzie and others, of the Township of Markham, in the County of York; the Petition of James Burgess and others, of the County of York; and the Petition of G.W. Butchart and others, of the County of Grey.

The Honorable Mr. Cauchon, one of Her Majesty's Executive Council, presented, by Command of His Excellency the Governor General,--Supplementary Statement of the expenditure of the sum of Thirty thousand pounds, granted by the Acts 16 Vic. caps. 155 & 156, for the purpose of opening the Waste Lands of the Crown in Lower Canada.

For the said Supplementary Statement, see Appendix (M.M.)

Pursuant to the Order of the day, the following Petitions were read:--

Of Adam Ferrie, junior, and others, of the City of Hamilton; of A. Bigelow and others, of the City of Hamilton; of the Reverend W.J. Macdowell and others, of the County of Grenville; of Alexander Reid and others, of the County of Welland; of J.G. Spencer and others, of the County of Welland; of John Klein and others, of the County of Waterloo; of Alexander McBride and others, of the Township of Malahide, in the County of Elgin; of Robert Paterson and others, of the Town of Sydenham, in the County of Grey; of J. Pilcher and others, of the County of Elgin; of the Reverend David Coutts and others, of the Township

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of Chinguacousy, in the County of Peel; of Thomas McIlroy and others, of the County of Peel; of John Ross and others, of the Townships of Tuckersmith and

Stanley, in the County of Huron; of John Anderson and others, of the County of Wellington; of P.D. Bisset and others, of the County of Elgin; and of Jacob Upper and others, of the County of Lincoln; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of Robert Balmer and others, Clerks of Division Courts for the County of Halton; and of Thomas Forsyth and others, Clerks of Division Courts for the County of Lambton; praying that the Tariff of Fees allowed them under the Act 16 Vic. cap. 53, may be increased.

Of Mrs. Mary Jane Edwoods and others, Trustees and Members of the First Colored Calvinist Baptist Church of Toronto; praying that the Bill to authorize certain alterations in their deed of trust for the management of the affairs of the said Church, may not become law.

Of the Town Council of the Town of Barrie; praying for certain amendments to the Act of incorporation of the Ontario, Simcoe, and Huron Railroad Union Company.

Of C.H. Lassiseraye, heretofore principal Teacher of the late Society of Education of the Town of Three Rivers; praying for arrears of salary due him for the year 1837.

Of C.O. Counsell and others, Township Clerks of the County of Wentworth; representing that the Act 16 Vic. cap. 163, provides for their making certain Returns to Government, and praying that compensation be made them for such Returns, and that the time be extended for making the same.

Of Andrew Hall and others, Township Clerks of the County of Wentworth; praying that a reasonable allowance be made them for making out an Alphabetical List of all persons entitled to vote at the Election of a Member of the Provincial Parliament within their respective Municipalities, as provided for by the Act 16 Vic. cap. 153.

Of John McMillan and others, Students of Knox's College, Toronto; praying for the passing of a Prohibitory Liquor Law.

Of Pierre Beaupré and others, of the Parish of L'Ancienne Lorette; praying that the Road leading northward from the Government Grist Mill in the Parish of L'Ancienne Lorette, to the Grands Déserts, may be macadamized and placed under the control of the Quebec Turnpike Trust.

Of Mrs. Macdonald and others; praying that the real and personal property of married women shall not be subject to the disposal of their husbands, nor be liable for their debts.

Of the Reverend L. Roy, Curé, and others, of Trois Pistoles; praying that the Bill for the prevention of Intemperance in this Province, may become Law.

Of the Municipal Council of the County of Saguenay; praying for an aid to construct a Bridge over the Rivière du Gouffre, in the Parish of Baie St. Paul, in the said County.

Of William McPherson and others, Medical Practitioners of Canada West; praying that the Members of the Medical Profession in Upper Canada may be incorporated.

Of L. Legendre and others, of the Parish of St. Louis de Lotbinière; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of James Armstrong, President, for and on behalf of the County of Elgin Agricultural Society; praying for the passing of an Act authorizing the County Agricultural Society of Elgin, and the County Agricultural Society of Middlesex, jointly to sell and dispose of certain lots of land in the Town of London, Canada West.

Of the Committee of the American Presbyterian Free School of Montreal; praying for an aid.

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Of William Ashton and others, of the Township of Waterloo, in the County of Waterloo; praying that the privilege applied for in favor of Jacob Hespeler, of Preston, to erect a Dam or Breakwater on the Grand River, near the Village of Preston, may not be granted.

Of the Reverend J. Morin and others, of the Parish of St. Jacques le Mineur; praying aid to establish an addition School in the said Parish.

Of the Reverend F.H. Prévost and others, Catholic School Commissioners of the City of Montreal; praying for an aid.

Mr. Taché, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Lotbinière, informed the House, That the Committee had determined,

That the Petitioner, Joseph Laurin, Esquire, having confined his proof to the mere examination of the proceedings at the late Election for the County of Lotbinière, as regards violence committed, and the polling of illegal votes, without entering into a scrutiny of the votes, the Committee are unable, on the face of the evidence produced before them, to declare whether or not there was violence used to such an extent as to effect the result of the Election: That it has been proved to the Committee that illegal votes were polled, but not to such an extent as to lead the Committee to believe that the legal majority of votes does not belong to the Sitting Member.

That for the above reasons, and relying upon the evidence adduced, the Committee cannot but confirm the Return of the Returning Officer, which Return must be held good until proof to the contrary be shewn, and such proof has not been shewn to the Committee.

That the Committee declare that the late Election for the County of Lotbinière to be valid; and further, that John O'Farrell, Esquire, is duly elected to represent the said County.

That neither the Petition of the said Joseph Laurin, nor the defence of the said John O'Farrell, is frivolous or vexatious.

And the said Determinations were ordered to be entered on the Journals of this House.

Mr. Fergusson, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the City of Quebec, informed the House, That Jean Baptiste Daoust, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

On motion of Mr. Fergusson, seconded by Mr. Somerville,

Ordered, That Jean Baptiste Daoust, Esquire, do attend in his place in this House To-morrow.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the following Bills, and to each of them respectively they have prepared certain amendments, which they beg to submit for the consideration of Your Honorable House, viz:--

Bill to incorporate the Imperial Fire and Marine Insurance Company:

Bill to incorporate the Canada Powder Company:

Bill to authorize the construction of a Dam or Breakwater over the Grand River, at or near the Village of Preston, County of Waterloo.

Your Committee have also examined the Bill from the Legislative Council, intituled, "An Act to extend the powers of the Consumers Gas Company of Toronto," and have agreed to certain Amendments, which they beg to submit for the consideration of Your Honorable House.

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Ordered, That the Bill to incorporate the Canada Powder Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Bill to authorize the construction of a Dam or Breakwater over the Grand River, at or near the Village of Preston, County of Waterloo, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Bill from the Legislative Council, intituled, "An Act to extend the powers of the Consumers Gas Company of Toronto," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Bill to amend the Act incorporating the Toronto Athenaeum, be read the third time on Thursday next.

Ordered, That the Bill to incorporate the Imperial Fire and Marine Insurance Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That Mr. Casault have leave to bring in a Bill to authorize William Fraser and Edouard Fraser to alienate, by Lots, a portion of the Domain of the Seigniorship of Rivière du Loup.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Sur motion de MR. LEBOUTILLIER,¹⁸

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Ordered, That the Petition of A. Painchaud and others, Shipowners and Merchants interested in the Fishing trade of the Gulf of St. Lawrence, be printed for the use of the Members of this House.

Ordered, That the Petition of Joseph Wright and others, Reeves and Deputy Reeves of the County of Peel, be printed for the use of the Members of this House.

Ordered, That the Petition of Robert Balmer and others, Clerks of Division Courts for the County of Halton, be referred to the Select Committee to which was referred the Bill to extend the Jurisdiction of the Division Courts in Upper Canada.

Ordered, That Mr. Bureau have leave to bring in a Bill to regulate the Toll to be taken in Mills in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Stevenson moved, seconded by Mr. Bell, and the Question being proposed, That this House doth concur in the Fourth Report of the Standing Committee on Printing;

MR. MACKENZIE s'y oppose parce que le rapport propose de donner les impressions par contrat pour quatre années consécutives, et que le gouvernement étant sur le point d'aller à Toronto, il faut attendre qu'il soit rendu là pour demander des soumissions, afin de donner aux imprimeurs du Haut-Canada la faculté de soumissionner. Tant que le gouvernement sera dans le Bas-Canada, il est clair que les imprimeurs du Haut ne pourront exécuter les ouvrages parlementaires à d'aussi bons termes que s'il était au milieu d'eux, et il veut qu'ils aient les mêmes avantages qu'ont eu les imprimeurs du Bas-Canada.¹⁹ He thought a more economical mode of doing the printing of the House should be devised²⁰.

MR. BROWN thought the hon. member for Haldimand misconceived altogether what would be the effect of the report. Its very object was to secure economy, by making the contract one for four years instead of a single session--by the long notice given to enable Upper Canada and all other printers to send in tenders.²¹ ((Il)) est en faveur du rapport parce qu'il introduira une grande économie sur le système actuel, en divisant l'ouvrage entre plusieurs imprimeurs qui offriront les meilleures conditions. En même tems il met fin au système actuel de monopole, car il faut avoir un matériel si considérable que personne ne veut en faire les frais sans être certain d'avoir l'ouvrage pendant assez longtems pour se rembourser; aujourd'hui il n'y a que deux imprimeurs qui puissent faire les impressions de la chambre, et par conséquent (sic) cela doit coûter beaucoup plus cher que s'il y avait concurrence.²²

(809)

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Frazer, That the words "this House doth concur in" be left out, and the words "be so amended, as that the Contracts to be entered into shall not extend to more than one year after the 1st January, 1856" added at the end thereof;

(810)

And the Question being put on the Amendment: The House divided:--And it passed in the Negative.²³

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Blanchet, Bowes, Brodeur, Brown, Bureau, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Church, Clarke, Cook, Charles Daoust, Dionne, Dostaler, Fergusson, Ferres, Ferrie, Foley, Thomas Fortier, Gamble, Gill, Hincks, Holton, Jobin, Labelle, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Masson, Matheson, Mattice, Meagher, Merritt, Joseph C. Morrison,

Munro, Papin, Patrick, Poulin, Pouliot, Rankin, Robinson, Rolph, Solicitor General Foss, James Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Thibaudeau, and Wright.--(64.)

NAYS.

Messieurs Biggar, Frazer, Gould, Hartman, and Mackenzie.--(5.)
So it was resolved in the Affirmative.

MR. PRES. EX. COUN. MACNAB propose ensuite, que la chambre passe aux ordres du jour.²⁴

MR. CHAUVEAU demande la permission de faire sa question au ministère, relativement aux bâtisses à construire pour la législature à Québec et à Toronto.²⁵

MR. PRES. EX. COUN. MACNAB s'y oppose parce que le gouvernement n'est pas prêt à répondre à cette question.²⁶

(810)

James Moir Ferres, Esquire, Amos Wright, Esquire, Timothé Brodeur, Esquire, George Jackson, Esquire; Chairman, the Honorable John Hillyard Cameron, being the new Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Argenteuil, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Sur motion de MR. LANGTON,²⁷

(810)

Ordered, That the Petition relative to the Election and Return for the County of Argenteuil, be referred to the new Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in one of the Committee Rooms of the House, at the hour of Eleven in the forenoon.

Ordered, That Mr. Chapais have leave to bring in a Bill to amend the Act for the organization of the Notarial Profession in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

MR. PRES. EX. COUN. MACNAB delivered a message from the Governor General, enclosing an acknowledgement by the French Minister, Mr. Drouyn De L'Huys, of the receipt of a draft for 10,000L, being half of the contribution of the Canadian Parliament in aid of the widows and orphans of the soldiers in the allied armies falling in the present war.²⁸

MR. RANKIN embraced the opportunity, afforded by the reading of this despatch, to call the attention of the Government to the heroic conduct of a woman named Becker²⁹ ((OR)) Baker,³⁰ in saving the lives of the captain and crew of a steamer wrecked near Amherstburg. He thought that conduct like this should in some way or other be rewarded by the Government.³¹

MR. PRES. EX. COUN. MACNAB said the matter had not come under his notice till the newspaper article narrating the circumstances, was read by the member for Essex. He quite agreed that the female alluded to had shewn herself a heroine in every sense of the word, and was deserving of public notice, but at present he could say nothing more.³²

(810)

The Honorable Sir Allan N. MacNab, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Edmund Head,

The Governor General transmits for the information of the Legislative Assem-

(811)

bly, the accompanying Copies of a Despatch and enclosures from the Secretary of State.

Government House.

Quebec, 9th April, 1855.

(No. 9.)

Downing Street, 17th March, 1855.

Sir,--With reference to my Despatches of the 26th January and 15th February, I transmit for your information a Copy of a Despatch from Her Majesty's Ambassador at Paris, forwarding a Note from Monsieur Drouyn de Lhuys, acknowledging the receipt of the Draft for 10,000L, and again renewing the thanks of the French Government for this generous donation of the Canadian Legislature.

I have, &c.,

(Signed,)

G. Grey.

*Governor Sir Edmund Head,
&c., &c., &c.*

Paris, March 7, 1855.

My Lord,--With reference to Your Lordship's Despatch, No 227, of the 2nd instant, enclosing to me, for transmission to the French Government, a Bill of Exchange on Messieurs Glyn, Mills & Co. for the sum of 10,000L, the amount of the donation made by the Canadian Legislature to the Widows and Orphans of the Soldiers and Sailors of France, who fell at the battle of Alma, I have the honor to forward herewith a Copy of a Note which has been addressed to me by Monsieur Drouyn de Lhuys, acknowledging the receipt of the Bill in question, and begging me to convey to Her Majesty's Government the renewed expression of the gratitude of the French Government for this generous donation.

I have, &c.,

(Signed,)

Cowley.

*The Earl of Clarendon,
&c., &c., &c.*

(Translation.)

Paris, 6th March, 1855.

My Lord,--I have the honor to acknowledge the receipt from Your Excellency of a Draft for Ten thousand pounds sterling, transmitted to me by Your Excellency yesterday morning, representing one half of a sum of Twenty thousand

pounds sterling, voted by the Legislature of Canada in favor of the Widows and Orphans of the Soldiers of the Allied Armies who fell at the battle of Alma. I take this opportunity to beg of Your Excellency again to make known to Her Britannic Majesty's Government the feelings of gratitude, entertained by my Government for this generous offering, and to renew the assurance of the distinguished consideration, &c.

(Signed,)

Drouyn de Lhuys.

To His Excellency Lord Cowley, G.C.B.,
&c., &c., &c.

Ordered, That the Petition of James Armstrong, President, for and on behalf of the County of Elgin Agricultural Society, be printed for the use of the Members of this House.

On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,

Ordered, That the Orders of the day be now read.

MR. PRES. EX. COUN. MACNAB propose que la chambre concoure dans le rapport du comité de toute la chambre sur le bill pour régler la milice.³³

MR. S. SMITH (de Northumberland) dit que la 8e clause du bill (qui dit qu'il sera établi des dispositions pour armer et équiper la milice sédentaire comme infanterie, et qu'une certaine somme pourra être employée chaque année à l'achat des armes et accoutrements) ayant été retranchée par le comité, les clauses relatives à l'organisation de compagnies volontaires deviennent inutiles, et en conséquence il propose en amendement à la motion de concours, que le bill soit de nouveau renvoyé au comité, avec instruction de retrancher toutes les clauses depuis la 22e jusqu'à la 44e. S'il faut avoir une force volontaire, il faut au moins l'organiser de manière à la rendre efficace, car un corps de 5,000 hommes ne pourra être d'aucune utilité en cas d'invasion, ni même en cas de troubles intérieurs; la chose n'est que ridicule. Il fait aussi son amendement parce qu'il est opposé aux dépenses que nécessiteront ces compagnies volontaires d'infanterie: il y aura bien assez des dépenses faites pour les compagnies volontaires de marine. Si l'on veut avoir une milice efficace, qu'on arme la milice sédentaire, car parler de milice pendant dix jours par année lui semble une chose parfaitement ridicule, en même tems que cela coûtera très cher.³⁴ They would not have had time to get rid of sea-sickness, before the period for drilling was expired.³⁵ Il propose en même tems d'amender les 47e de (sic) 79e clauses de manière à laisser les armes entre les mains de la milice sédentaires (sic), au lieu à les laisser dans les arsenaux³⁶. He was glad that the ministry had abandoned the 8th clause of the Bill, but believed that as a natural consequence of that abandonment the 74th clause must be struck out. The 74th clause was very doubtful in its construction. According to it the militia of volunteers when out on drill, might march from one town to another and be billeted on the inhabitants. He thought they should be billeted (sic) only when on actual service. This he believed was the intention of the framer of the Act, but it was not clearly expressed. The billeting should take place only on the authority of at least two instead of one Justice of the Peace.³⁷ The 85th clause provided that no troops or militia should be quartered or billeted in any convent or nunnery of any religious order of females. He did not see why these should be exempted more than a widow woman, or any number of females living together without a male protector. He would therefore propose the addition of words which would save all females in such circumstances from having

the troops or militia quartered on them.³⁸ He objected entirely to the 95th clause, which prevented any officer or non-commissioned Officer from selling a horse drilled for the service of the Company, under heavy penalties.³⁹ The 113th clause was a most extraordinary one. It said that in the event of an action being brought against any officer or person for anything done in pursuance of the Act, if the verdict should pass for the defendant, the defendant should recover his full costs, but that, though a verdict be "given for the plaintiff he shall not have costs against the defendant, unless the judge before whom the trial shall be, shall certify his approbation of the action and of the verdict therein." He considered that this regulation would be most unfair for the plaintiff. Had he been in the House when the motion was made to give the Bill a six month's hoist, he could not have voted for it, because he thought the present system for enrolling the militia should be improved. But he was altogether opposed to the establishment of volunteer companies, because there is no necessity for them, and if there was, the thing should be done in a manner much more befitting the dignity of a country like Canada, than by organizing a paltry corps such as that now proposed. He did not move those amendments in any factious spirit, but he did think that the Bill required them, more especially as the rough unfinished state in which it still was, shewed that it had been hurried through the House without sufficient consideration. The hon. gentleman concluded by moving a very lengthy resolution, proposing to expunge the clauses to which he had referred, and to make amendments on a number of others.⁴⁰

MR. PATRICK seconded the amendments.⁴¹

MR. SOL. GEN. H. SMITH hoped that the motion in amendment of the hon. member for Northumberland would not be adopted. He was surprised that any clauses of the bill should have been characterized as absurd. There were certainly two clauses in the bill numbered 79, an evident mistake. The first should have been 78; and was, in truth, the 78th clause of the bill. The billeting and cantoning of troops, had reference only to times of war, and there could be no necessity for any amendment to the 79th clause. With regard to the 95th clause, which provided that a drilled horse was not to be sold without the consent of the officer commanding the troop or company, he would only say that it was necessary that during the 10 days' drill, a very short period, the horse at first selected for drill should not be disposed of unless one in every way as good could be substituted, and of that no one could be a more fitting judge than a commanding officer. The member for Northumberland objected to the 103rd (*sic*) clause, because it provided that no costs shall be given against any officer or man in the event of such officer or man having been prosecuted, and a verdict rendered against him for some injustice done in pursuance of this act, without the approval of the Judge before whom the trial took place. There was nothing wrong in that. It was necessary to protect constables acting in good faith. He recollected the celebrated Kingston gooseberry case, in which a verdict of 70L damages was given against a magistrate who had imprisoned a mere child, when the judge withheld the costs. A zealous officer was not to be harassed in the execution of his duty.⁴² In most of the particulars objected to by the hon. member for Northumberland, the present Bill was identical with the law now in force. He thought it was unreasonable to continue this opposition to the Bill after the Government had shown so much willingness to yield to what they conceived reasonable objections. He believed if the hon. member for Montreal (Mr. Holton) had been present when the 8th clause, providing for the arming of the Sedentary

Militia at the expense of the Province, and the 32nd clause, as to the clothing of the volunteers, were struck out, that he would have withdrawn all further opposition.⁴³

MR. HOLTON.--What of the 114th clause, which gives unlimited power to the Government to pay out money under this Act without the authority of Parliament?⁴⁴

MR. SOL. GEN. H. SMITH said the Government intended to amend that clause by adding a proviso that no sum of money should be paid, until first approved of by Parliament in the annual estimates.⁴⁵

Loud cries of Hear, hear, from the opposition.⁴⁶

((MR. SOL. GEN. H. SMITH continued:)) The Government had done all they could to make the measure acceptable to all parties, and he hoped, therefore, that the House would reject this motion.⁴⁷

MR. BROWN thought that the concessions which had been made by the gallant knight, and that now intimated by the Solicitor General were all very satisfactory. If they would but go a little further, they might secure for the Bill the support of both sides of the House. But, considering the announcement made the other night, by the Attorney General West, which he (Mr. Brown) was pleased to hear, that our position towards the Home Government was not in the slightest degree changed, that we still retained the same relations that had heretofore existed, that Great Britain would sustain the expense of defending the Province, and that nothing was required on our part but a reorganization of the Militia--it did appear to him that many of the amendments suggested by the hon. member for Northumberland should be adopted. He did not think that to set up a great military system at this stage of the history of Canada was at all expedient, and the objections to the Bill on that ground might be removed, if some clauses of it were expunged. For his own part he would not object altogether to the voluntary system, if it were stripped of a number of adjuncts that were quite unnecessary, particularly the expense, and he intended therefore to move an amendment which would have the effect of striking out the 36th clause in which provision was made for the payment of the voluntary Militia while on drill. He believed a better class of young men would join such a corps without pay, than if they had to trust to its being formed of those to whom the pay would be an inducement. The yeomanry of our country were now so well off that all the payment they could obtain for serving in such a corps would be no inducement to them whatever to join it. He would move this in amendment to Mr. Smith's motion and if it failed, he should then vote for the other, as there might be some members who would vote for striking out one of the clauses, who would not vote for the whole of the amendments contained in Mr. Smith's resolution.⁴⁸

Some discus((s))ion ((ensued)) as to the order in which the amendments should be put.⁴⁹

MR. SICOTTE the SPEAKER decided that, if Mr. Smith's amendment should be rejected as a whole, any portion of it might afterwards be moved separately.⁵⁰

MR. PRES. EX. COUN. MACNAB said that it was evidently the intention to destroy the whole bill with amendments, a circumstance which he very much

regretted, seeing that an efficient organization of militia and volunteers was absolutely necessary, all the troops having been withdrawn, with the exception of one regiment.⁵¹ If they were carried the Bill would be perfectly useless. The hon. member for Lambton said there would be found plenty of volunteers to go out for drill 10 or 20 days without pay. He would like to know if the hon. member would do so himself. (Hear, hear.)⁵²

MR. BROWN.--It was proposed a short time ago to get up a volunteer corps in Toronto, and I offered to join it. (Hear, hear.)⁵³

MR. PRES. EX. COUN. MACNAB.--The hon. gentleman might join such a corps for his own amusement, and both in Toronto and Hamilton he believed that Companies of volunteers might be raised without pay. But would that be the case over the length and breadth of the country?⁵⁴

MR. BROWN.--Yes, it would.⁵⁵

MR. PRES. EX. COUN. MACNAB.--In Nova Scotia, in New York, in Pennsylvania, in Massachusetts, the militia were paid while under drill, and he did not see why the same course should not be pursued here.⁵⁶ Il demande si on doit faire autrement ici qu'on fait aux Etats-Unis. On attend trop du gouvernement si on pense qu'après le vote qui a eu lieu sur la seconde lecture du bill, et surtout après les amendemens qui ont déjà été faits, il consentira à l'amender de la manière dont on le ... propose, ce qui serait l'anéantir complètement.⁵⁷ The hon. member for Lambton and those associated with him desired to defeat the Bill altogether, and he did feel that it was a necessary measure at this moment, and that the Parliament ought not to be prorogued till it became law.⁵⁸

MR. S. SMITH considered the allusion to the gooseberry case unfortunate, inasmuch as the with-holding of costs by the Judge completely nullified the verdict of the Jury, as the complainant got nothing by having to pay his own costs.⁵⁹ ((Il)) pense que ses amendemens ne détruiraient pas le bill, parce qu'il restera encore toute la partie qui pourvoit à l'organisation de la milice sédentaire en cas de guerre. Si le bill n'a en vue que d'organiser un corps de volontaires, alors il admet que ses amendemens auront l'effet de le détruire; mais si cela n'est pas le seul but du bill, il n'est pas juste de dire que ses amendemens le détruiront, dans le seul but de les faire rejeter.⁶⁰ He desired the country to have a better system of enrolment for the militia, but he would remove from the Bill all provision for organizing volunteer companies which would only afford an opportunity for young men to go a soldiering, and to walk about with swords at their sides giving impertinence to their betters. The people of Canada did not desire that kind of thing, although, if trouble was actually to come, they would be glad to enroll themselves again, as they did in 1837 under the gallant Knight.--Neither the Premier nor Sol. General, in reply to his remarks, had alluded to what he had said in regard to the marines, and he did not believe anything whatever could be said in favour of the clauses organizing a marine corps.⁶¹

MR. MACKENZIE spoke in opposition to the Bill. He considered there was no necessity for those warlike measures being taken. The people were contented, and no one talked now about annexation, for even the gallant Knight professed his readiness that they should have every thing they wanted. The gallant Knight

now actually came out on the Reform ticket, and stole all his (Mr. M's.) thunder. In such circumstances one regiment in the country should surely be enough. Did the Government think that with all these volunteers the country would be one whit more loyal than at present? It was a libel on the people to propose a measure like this for keeping them loyal.⁶²

MR. AT. GEN. J.A. MACDONALD.--Did not the hon. gentleman drill his men more than 10 days?⁶³

MR. MACKENZIE said he had been a peaceable man all his life. So far from wishing to take part in military life, like his hon. friend from Lambton, the first time he was called out to drill by Col. Allan, he went and got a tooth drawn, and procured a certificate that he was unable to attend. (Laughter.) And when the difficulties of 1837 occurred, he knew no more how to drill men than the babe unborn. Nor had he ever wanted to know anything about it, but when the people below felt themselves ill-used, and sent vp (sic) to Upper Canada to ask their friends to turn out and assist them, they did so. If it was a crime, he had sufficiently expiated it. The gallant Knight had been constantly referring them to American precedent, and to the militia law in New York. He had examined that law, and found some remarkable differences between it and the present Bill. In the first place their militia consisted only of able-bodied white males.⁶⁴

MR. LARWILL.--Hear! hear! (Laughter.)⁶⁵

MR. MACKENZIE.--It was natural that the member for Kent would not like to join a Company in which he might be officered by some gentleman from Hayti, as black as Warren's Blacking, but according to the gallant Knight's Bill, black and white were to be joined together, as the member for Kent expressed it, "in one conglomerated whole." Again the New York militia were composed of those between the ages of 18 and 45. This Bill provided that our militia should consist of all adult males between 18 and 60. Why would the gallant Knight drag the old man of 59 away from his fireside to be drilled, instead of being content with his sons and grandsons? Another difference was, that in New York the superior officers were appointed by an Elective Governor, and the others by their men, while according to Sir Allan's Bill all the officers would be appointed by the Government, probably as a reward for servility to men in office. Mr. Mackenzie proceeded to point out other points of difference between the New York Militia Law, so much landed (sic) by Sir Allan MacNab, and what he termed the miserable abortion of Legislation which it was now sought to cram down the throats of an unwilling people.⁶⁶

MR. PRES. EX. COUN. MACNAB.--The hon. gentleman has said nothing to which he could, or needed, reply to.⁶⁷

MR. C. DAOUST (de Beauharnais,)--M. l'Orateur:--Des circonstances m'ayant empêché, lors de la seconde lecture de ce bill, d'exprimer mon opinion sur cette mesure et d'enregistrer mon vote, je me propose de le faire ce soir, à l'occasion des amendements qui viennent d'être soumis par l'hon membre du comté de Northumberland. J'avais moi-même préparé certaines propositions dont j'ai donné avis, il y a quelques jours; mais j'ai cédé le pas, d'autant plus volontiers que les modifications proposées rencontrent mes vues, et qu'elles viennent de

la part d'un partisan avoué de l'administration, qui, malgré toute sa bonne volonté, ne peut plus suivre ses chefs dans la voie où ils se sont engagés. Mon but était de faire disparaître du bill tout ce qui a rapport à l'organisation d'une milice volontaire--de causer à la province de grandes, d'inutiles dépenses, et c'est aussi l'objet de la proposition qui nous est maintenant soumise.

Je l'apprécierai donc avec une entière cordialité, et je dois dire que si j'avais pu entretenir quelques doutes sur la valeur de la conclusion à laquelle j'en étais venu, la déclaration que vient de faire le premier ministre suffirait pour me convaincre que j'ai eu raison. En effet, l'hon. et galant chevalier d'Hamilton nous dit que si l'amendement était emporté, le bill serait détruit; c'est-à-dire, que le bill n'a pour objet que de créer des compagnies de volontaires et nullement de réorganiser la milice; jusqu'ici, on s'était tenu dans les limites de la réserve; personne n'avait encore osé faire cet aveu, mais le ministère, paraît-il, compte assez sur la fidélité, sur le dévouement de ceux qui l'appuient, pour dévoiler toute sa pensée et mettre à nu les motifs qui l'ont guidé dans la préparation de cette mesure.

Il ne s'agit plus de préparer des moyens de défense, de chercher un appui au sein de la population des campagnes, la véritable force, le rempart le plus sûr contre l'invasion, puisqu'il s'agirait pour elle de défendre ce qu'elle a de plus cher: la propriété, la famille, le foyer; il s'agit seulement d'entourer la puissance exécutive de quelques bayonnettes mercenaires. Hors de là, il n'y a plus rien; tout le reste du bill est un hors-d'oeuvre à la faveur duquel on veut réaliser le plan capital. Eh! bien, je ne puis sanctionner par mon vote une telle entreprise, sans manquer à ce que je dois à mon pays et à ceux qui m'ont envoyé ici pour représenter leurs intérêts. Le patronage est déjà assez grand pour mettre en danger les libertés publiques, étouffer l'opinion et rendre possible l'exécution des plus sinistres desseins, comme le prouve la combinaison politique qui s'est emparée du pouvoir, et je ne puis appuyer une mesure qui donnera à ce patronage un champ plus libre et plus vaste, qui mettra encore à la disposition du gouvernement plus de places et plus d'argent pour se faire des créatures et corrompre les consciences. Je comprends parfaitement la tactique dont on a fait usage pour décider les représentants du peuple à favoriser les vues du ministère; on tente d'effrayer les esprits en faisant entrevoir assez clairement la possibilité, la probabilité d'une guerre avec les États-Unis.

D'abord, si les ministres sont sincères quand ils expriment de telles appréhensions, il les accuse de la plus grande imprévoyance, et presque de complicité avec les flibustiers et les annexionnistes. Est-ce avec quatre ou cinq mille hommes, qu'on se propose de former aux habitudes militaires au moyen de dix ou vingt jours d'exercice par année, qu'on se flatte de défendre une frontière immense contre un ennemi vingt fois plus nombreux que nous? Si nous sommes réellement menacés d'invasion, ne nous exposez donc pas au ridicule en recommandant l'adoption d'une mesure semblable. Mettez donc, de suite sur pied, une armée respectable, et si nos ressources n'y suffisent pas, faites donc un appel à l'Angleterre qui est obligée de nous défendre de l'aggression étrangère tant que nous (sic) serons sa colonie.

Ceci me conduit à examiner le principe même de cette mesure, à part toute autre considération. Jamais on n'avait encore essayé d'imposer aux colonies anglaises les dépenses nécessaires pour leur défense extérieure; au contraire, on a toujours tenu que le gouvernement Impérial devait en toute justice se charger de ce soin. Mais voilà que nous adoptons une autre politique, et nous allons reconnaître, si ce bill devient loi, que nous sommes obligés de conserver, à nos frais, les possessions anglaises, malgré que nous n'ayions (sic) pas encore de place parmi les nations, et que notre voix n'y compte pour rien.

Je ne puis admettre ce principe, et j'engage cette chambre à réfléchir sérieusement avant de s'engager dans une telle voie.

Mais personne ne croit à la rupture de la bonne intelligence qui règne entre nous et nos voisins. Jamais nos relations n'ont été sur un meilleur pied, surtout depuis que le traité de réciprocité qui vient d'être mis en opération, est venu sauvegarder, harmoniser tous les intérêts commerciaux.

Le bill qu'on nous propose, en autant qu'il a rapport à l'organisation des volontaires, est donc inutile; et s'il n'est pas inutile, il est tout-à-fait insuffisant, comme je l'ai dit tout-à-l'heure.

Il est aussi une autre circonstance (sic) sur laquelle je désire attirer l'attention de la chambre. Savons-nous à quelles conditions on nous propose d'encourir ces dépenses et cette responsabilité? Où sont les correspondances, les dépêches qui ont engagé notre gouvernement à proposer cette loi? Tout est dans l'ombre, dans le mystère. Nous savons que l'Angleterre a retiré ses troupes, et c'est apparemment le seul fait sur lequel s'appuie la présente politique de l'administration. Le peuple de cette province ne sera pas satisfait d'une explication si vague, et s'il doit continuer à habiter une colonie, il ne se soumettra pas aisément à ce nouvel impôt.

Je dois exprimer ma satisfaction de voir que l'opinion publique, dans le Haut-Canada, a été assez prononcée pour influencer certains membres de cette section, et pour décider l'hon. membre de Northumberland, malgré ses prédilections pour le ministère, à proposer l'amendement maintenant devant le fauteuil. D'hon. membres nous ont aussi fait part des instructions qu'ils ont reçues de leurs constituants, et toutes s'accordent à repousser la mesure ministérielle.

Il est à regretter que l'opinion des électeurs du Bas-Canada n'ait pu se faire jour de la même manière. On aurait vu qu'elle est la même, et que la grande majorité est défavorable au bill de milice (cris de non, non. Écoutez, Écoutez.) Je le répète, la grande majorité des électeurs du Bas-Canada est opposée au bill de milice, et si l'on en doute, qu'on fasse un appel au peuple sur cette question. Si les hon. ministres en doutent, qu'ils annoncent une dissolution; qu'ils fassent des élections générales, et je promets à plusieurs d'entre eux qu'ils ne reviendront pas s'asseoir sur ces banquettes.

Mais les hon. membres du Bas-Canada croient que les élections générales sont encore éloignées; ils espèrent qu'on oubliera le vote qu'ils vont donner ce soir, et ils se flattent de trouver grâce devant leurs électeurs. La prochaine élection prouvera s'ils ont raison ou non; mais malheureusement le jugement viendra trop tard; le mal sera fait. Nous aurons une armée de fonctionnaires nouveaux qui vivront à même les deniers publics; ces hon. messieurs comptent peut-être déjà sur le secours des volontaires pour les protéger contre le ressentiment populaire, et pour les porter de nouveau à la représentation.

M. l'Orateur, quoique je n'aime pas à réveiller les souvenirs du passé, je ne puis m'empêcher de remarquer que ceux qui font aujourd'hui parade de leur loyauté; qui craignent tant l'invasion américaine; qui veulent nous soumettre à de si grands sacrifices pour conserver cette colonie à l'Angleterre, sont les mêmes que ceux qui, en 1849, se jetaient les premiers dans le mouvement annexionniste et voulaient opérer la rupture du lien colonial. Qu'y a-t-il donc de changé? Rien; rien que la position de ces hon. messieurs. Alors, ils étaient dans l'opposition où ils ne formaient qu'une minorité insignifiante, mais ambitieuse et turbulente. Leur parti était aux abois; ils n'avaient plus d'espérance de ressaisir le pouvoir; ils étaient prêts à se jeter dans la rébellion. Mais aujourd'hui que la fortune capricieuse les a rappelés de l'exil auquel les condamnait l'opinion publique, ils font sonner bien haut leur

loyauté, et ils ne craignent pas de porter contre d'autres hon. membres de cette chambre des accusations dénuées de tout fondement, et dont ils peuvent, dans tous les cas, réclamer la meilleure partie. C'est aujourd'hui pour eux le temps de se venger des humiliations de 1849, et Dieu sait s'ils sont décidés à profiter de l'occasion!

N'y a-t-il pas une chose qui frappe mes hon. amis du Bas-Canada? Ne voient-ils pas avec quelle faveur ce bill de milice est accueilli par les conservateurs par excellence, par ceux qui se séparent du ministère, dès qu'il introduit quelque mesure dans le sens libéral, malgré qu'ils fassent profession de l'appuyer généralement, comme l'hon. membre pour la Cité de Toronto, l'hon. membre pour Hastings et quelques autres? L'abolition de la tenure seigneuriale, la sécularisation des réserves du clergé, le bill du conseil législatif ont trouvé chez eux des adversaires décidés; mais s'agit-il de la loi de milice et de l'organisation des volontaires, ils ne trouvent pas d'expressions assez fortes pour rendre leur satisfaction et leur enthousiasme. D'un autre côté, plusieurs libéraux du Haut-Canada se séparent de l'administration sur cette même mesure, parce qu'ils y voient le triomphe du parti tory et la défaite de leurs doctrines.

Il me semble que ceci est assez significatif et devrait engager les membres du Bas-Canada à réfléchir sérieusement avant d'appuyer le bill dont il s'agit. Songez donc un peu entre quelles mains se trouve aujourd'hui l'exercice du patronage, la distribution des places, des honneurs et des émoluments. Calculez donc ce qui va nous revenir de l'opération de ce bill, et les garanties que nous offre la présente administration.

J'espère encore que la majorité de cette chambre votera pour cet amendement, et conservera le reste du bill qui pourvoit à la réorganisation de la milice sédentaire sur un pied plus efficace. A l'heure qu'il est, nous dépensons des sommes considérables pour le maintien d'une milice qui n'existe pas de fait, et j'appuierais certainement un projet qui aurait pour but d'apporter des améliorations dans cette partie de notre législation et de l'administration des deniers publics. Mais tout ce qui est en dehors de ce plan me paraît destiné à opérer un mal incalculable, et je ne puis consentir à l'appuyer.

En résumé, je voterai pour l'amendement proposé, et contre le bill tel qu'il est, parce que les circonstances ne justifient pas la dépense de 25,000L qu'il va entraîner, seulement pour commencer à le mettre en opération, sans compter les 10,000L déjà votés en 1853, et en outre, parce que, fût-il requis, il est tout-à-fait insuffisant dans ses dispositions pour atteindre l'objet indiqué par l'administration.

Je ne me repentirai jamais de ce vote; il y en a beaucoup qui ne pourraient pas en dire autant.⁶⁸

MR. POULIOT.... Je suis surpris, que dans les circonstances où se trouve le pays, on fasse en cette chambre de l'opposition au bill qui nous est proposé. Quoi! lorsque l'Angleterre retire de la province les forces qui nous protégeaient, lorsque les événements politiques en Europe et aux États-Unis sont si menaçants pour la paix du monde, pour la paix de chez nous, refuser les moyens de nous protéger à l'extérieur et à l'intérieur! Je viens d'avoir une occasion de connaître l'opinion publique dans une partie du pays, du comté de Bellechasse, d'où j'arrive. Les habitants de cet endroit voient le bill d'un bon oeil. Ils sont bien disposés à se servir des moyens consacrés par ce bill pour la défense de leur pays.⁶⁹

MR. MARCHILDON.--J'arrive de mon comté, et les gens désapprouvent fortement ce bill. Vous ne trouverez personne chez les Canadiens qui veuille s'enrôler comme simple soldat: Non, personne, à l'exception peut-être de cette classe de gens que l'on appelle loafers! (On rit.)⁷⁰

MR. THIBAUDEAU confirme ce qu'a dit M. Pouliot, et nie l'avancé de M. Marchildon.⁷¹

MR. HOLTON rose to implore the gallant knight to yield to what he must now see to be the almost unanimous wish of the country that this most unpopular measure should be postponed. A fortnight ago when he opposed this measure, he was supported on a division by only 25 votes, but that minority had been constantly increasing from the ranks of the Government themselves. When the member for Northumberland, one of the most ardent supporters of the ministry, came forward and moved an amendment, which the gallant knight admitted would strangle the Bill, and when that amendment received the support of other Ministerialists, ought not the Government to pause? They could not but see that the reason why those gentlemen had joined the opponents of the measure must be that they had received from their constituents expressions of their strong dissatisfaction with the Bill. And why was the member for Renfrew, usually an ardent supporter of the Government, silent on this occasion? Was it not evident that that hon. gentleman had found out what was the voice of the public on this scheme, and was to govern himself accordingly?⁷² Le membre pour Renfrew lui-même (M. Hincks) est silencieux aujourd'hui sur la question, parce qu'il sait très bien que la mesure est trop impopulaire pour qu'il puisse la défendre sans danger. En face de tout cela, il supplie le ministère de remettre la question. D'ailleurs, pourquoi en tant presser la passation? quelle nécessité y a-t-il pour cela?⁷³

MR. PROV. SEC. CARTIER.--C'est parce que vous vous y opposez.⁷⁴

MR. HOLTON.--C'est là un argument vraiment digne du génie du membre pour Verchères! On ne doit pas regarder si les mesures qu'on propose conviennent au pays--il suffit que les membres de l'opposition s'y opposent pour en presser la passation, et il suffit que l'opposition demande quelque chose que ce soit bon ou non, pour que le ministère s'y oppose. La règle de conduite des messieurs assis sur les banquettes ministérielles est d'écraser leurs adversaires, quelque justes que soient leurs demandes; et on n'a pas honte de l'avouer, on s'en fait gloire! Et ce sont des hommes comme ceux-là qui sont à la tête des affaires du pays!

Pour en revenir à la question, il demande encore une fois pourquoi presser la passation de cette mesure, quand elle n'a été demandée par personne, qu'il n'y a pas une seule pétition devant la chambre en faveur d'une semblable mesure, mais quand au contraire l'opinion publique se prononce fortement contre le bill? On en a la preuve dans la conduite des membres qui ont commencé par le supporter--car ils ne s'y opposeraient pas aujourd'hui si l'opinion publique ne les y forçait.--S'il voulait agir et parler comme partisan, dans le but seulement de renverser les hommes du pouvoir sans faire attention à l'intérêt du pays, au lieu de demander de remettre ce bill, il encouragerait les membres de l'administration à le faire passer, car ce sera l'instrument de leur défaite, comme ministres; mais il désire avant tout l'intérêt du pays, et c'est pour cela, qu'il voudrait différer l'adoption de cette mesure.⁷⁵

MR. HINCKS n'avait pas l'intention de parler aujourd'hui sur la question, parce qu'il a déjà exprimé son opinion; mais après les remarques de l'hon. membre pour Montréal, il doit dire quelques mots. Ce n'est pas le tems aujourd'hui de discuter le bill, parce qu'on l'a déjà fait dans une autre occasion⁷⁶. According to Parliamentary precedent, it was not only unusual to record the votes at this stage of a measure, but even to offer opinion.⁷⁷ He continued to be of the opinion that this Bill was entitled to the cordial support of this House and of the country, and that all the opposition to it was founded on an entire misapprehension of what would be the effect of the measure. The establishment of a voluntary corps was the very feature of the Bill he most desired to see carried out, and those who opposed it must be labouring under an entire delusion, from looking back to the period of our troubles, when the name of volunteer was unpopular, and the institution caused a great deal of bad feeling among neighbours. What was now proposed was very different. He gave his hearty support to the Bill, and when it came to be properly understood by the people, and when the delusion in regard to it, under which they now laboured was removed, he was satisfied it would be universally popular from one end of the country to the other.⁷⁸

MR. CHAPAIS.--Je n'aurais pas parlé sur cette question, M. l'orateur, si ce qui vient d'être dit par les hons. Messieurs qui m'ont précédé, ne m'obligeait à motiver mon vote. Je suis loin d'être enthousiaste à l'endroit du bill actuellement en discussion, et je ne le supporte, que parce que je le regarde comme une de ces impérieuses nécessités, auxquelles on est souvent forcé de se soumettre à contre-cœur.

Je crois que le gouvernement accomplit un de ses plus importants devoirs, en amenant la présente mesure devant la chambre; s'il ne l'eût pas fait, il n'aurait pas été à la hauteur de sa position, il aurait pris sur lui une très grave responsabilité, il se serait exposé aux reproches les mieux mérités; et ces reproches, très probablement il les aurait reçus d'abord de ceux-là même qui parlent le plus, en ce moment, contre la mesure en discussion. (Assentiment.)

On s'élève contre la réorganisation de la milice! Et dans quelles circonstances, s'il vous plaît! justement au moment où l'Angleterre, engagée dans une lutte terrible, se voit forcée de retirer ses troupes de cette colonie. Eh bien! je le demande à tout homme bien pensant et ami de son pays, le gouvernement serait-il justifiable, dans une telle occurrence, de laisser la province sans aucune force, pour protéger nos propriétés, je ne dirai pas contre l'invasion étrangère, mais seulement contre l'émeute ou autre désordre local, sans un seul homme armé capable de donner main forte à l'autorité, de faire respecter la loi, de maintenir la paix publique? Non, je ne le crois pas.

Il fût un temps, et j'espère qu'il est passé sans retour, où, nous Canadiens-français, nous criions contre bayonnettes anglaises, nous nous révoltions à l'idée de nous voir entourés et gardés par des soldats étrangers, nous nous indignions, nous qui avons sauvé deux fois cette colonie de l'invasion, qui l'avons conservé à l'Angleterre au prix de notre sang, nous nous indignions, dis-je, à l'idée d'un tel manque de confiance de la part de la mère-patrie, nous l'accusons d'injustice, après de telles preuves de loyauté, de nous tenir encore comme en suspicion. Et ces plaintes, je pense, étaient proférées autant par mes honorables amis de l'opposition que par nous; et cependant, aujourd'hui, je les vois, à ma grande surprise, repousser, avec une espèce d'horreur, ce qu'ils réclamaient, il n'y a pas longtemps encore, comme un privilège, comme un droit.

L'Angleterre nous a accordé le gouvernement responsable, c'est-à-dire la liberté pleine et entière de conduire nos propres affaires comme nous l'entendons. Depuis, elle a ajouté d'autres concessions à celle-là. Et enfin, pour une raison ou pour une autre, elle nous met entre les mains toutes les armes et munitions qu'elle a ici et elle nous confie la défense et la protection de notre pays, de nos propriétés, de nos familles. Pouvait-elle nous donner une plus grande marque de confiance? Pourquoi donc, encore une fois, refuser quand on nous l'offre, ce que nous demandions avec instance, quand on ne paraissait pas disposé à nous l'accorder? Je regrette sincèrement que les membres français de l'opposition aient pris une semblable attitude, vis-à-vis de cette mesure; elle est politique et inexplicable; et ces honorables messieurs sont assurément les derniers, dans cette chambre, de qui on aurait dû attendre de l'hostilité à ce bill.

Cette mesure n'est pas populaire, je le sais; et ce n'est certes pas pour faire de la popularité que je l'appuie, mais bien parce que je croirais manquer à mon devoir envers mon pays et ma nationalité, si j'agissais autrement. Partout, et en Canada comme ailleurs, on s'alarme de l'ombre même et de l'apparence d'un préparatif militaire; ceci s'explique aisément. La partie la plus faible et la plus sensible de la société, celle qui exerce l'influence la plus forte sur nous, la femme, tremble au seul nom d'un fléau qui souvent la frappe si cruellement dans ses plus intimes affections, ses affections d'épouse et de mère. Voilà pourquoi la mesure crée de l'inquiétude et des alarmes parmi nos populations, et j'en suis d'autant plus chagrin que je connais mieux qu'elles sont sans fondement aucun. De quoi s'agit-il en effet? uniquement d'engager et d'organiser un faible corps de volontaires qui devra servir dix jours par année, et qui sera une force de police plus que tout autre chose. Comment arrive-t-il donc qu'en présence de ce fait, il se trouve encore des hommes qui ont le triste courage d'exploiter, dans des vues politiques, ces absurdes terreurs populaires en créant et augmentant une panique qui produit les plus regrettables effets?

On objecte de plus à la passation de cette loi pour une raison qui me paraît plus absurde encore que les autres. Les volontaires, dit-on, seront, dans les mains de l'exécutif, un moyen de tyrannie et d'oppression! Or, je vous le demande M. l'orateur, est-il un pays au monde où la force armée ne soit pas sous le contrôle immédiat du gouvernement et en peut-il être autrement? En vérité quand on pèse de semblables arguments, on reconnaît de suite et leur faiblesse et les motifs qui les inspirent. Je voterai donc contre l'amendement de l'hon. membre pour Northumberland et en le faisant je crois remplir consciencieusement mon devoir envers mes concitoyens et mon pays. (Très bien.)⁷⁹

MR. BUREAU vient d'entendre faire un reproche qui ne lui semble pas mérité; il est vrai qu'on demande depuis longtemps d'armer les canadiens, mais que ce soit la milice sédentaire, et non quelques bandes de volontaires qui ne seront jamais d'aucun service. Si l'Angleterre retire ses troupes du pays, c'est parce qu'elle est engagée dans une guerre désastreuse et qu'elle a beso((i))n de tous ses soldats; c'est à elle à garder ses colonies et non à celles-ci de se garder pour elle ou de faire la guerre à son compte sans y être intéressées. Le principal motif qui le porte à s'opposer à ce bill, est qu'il impose de fortes dépenses au pays sans aucune nécessité, lorsque nous sommes dans une paix profonde, tandis qu'on ne trouve pas d'argent pour pourvoir aux besoins de l'éducation. Le pays n'a pas été consulté sur cette mesure, et il n'a jamais manifesté son intention de dépenser 30,000L ou 40,000L par année pour organiser des volontaires. On ne trouve pas d'argent pour l'éducation, mais on en trouve

bien pour payer des volontaires; pourtant l'éducation est une chose bien plus importante. Le surintendant de l'éducation pour le Bas-Canada n'a pas encore pu payer les instituteurs pour les derniers six mois, et il paraît même que le gouvernement ne veut pas lui rembourser une somme de 12,000L qu'il a avancée pour la construction de maisons d'éducation.

On fait une grande parade de loyauté; mais si l'Angleterre veut retirer ses troupes du Canada et nous faire garder sa colonie, pourquoi n'en paierait-elle pas les frais? Elle paie une partie des dépenses de l'armée française en Crimée, et il ne serait que juste qu'elle en fit autant pour une armée canadienne, si elle désire en avoir une pour conserver sa colonie.--Il pense aussi qu'une armée de 5,000 hommes ne servira qu'à nous exposer au ridicule de nos voisins, car dans une éventualité de guerre ou de troubles sérieux sur une partie du pays, il sera impossible de réunir tous ces volontaires; ils seront dispersés sur toute l'étendue du pays, car il sera impossible de les assujettir à se tenir toujours dans la même localité, comme on le ferait pour une armée régulièrement organisée. Pour lui, il voit que le plus beau côté du bill est la création d'un immense patronage entre les mains du gouvernement, qui aura par là le moyen de caser ses amis qui sont incapables de remplir aucune autre place que celle d'officier salarié ou autrement. Il croirait manquer à son devoir s'il votait pour ce bill, quand on refuse de donner de l'argent pour les fins de l'éducation, et surtout quand il est certain que les dépenses nécessitées pour le maintien de milice seront augmentées d'année en année.⁸⁰

MR. DUFRESNE, après avoir fait allusion à ce qui se passe en Orient, et à Cuba:--Je crois que la paix de ce pays pourrait être compromise par les événements politiques extérieurs. Je crois que le gouvernement a reçu quelques dépêches qu'il n'a pas jugé à propos de faire connaître. Je blâme le gouvernement pour vouloir dans ces circonstances transférer le siège du gouvernement à Toronto, où il sera exposé aux attaques de l'ennemi; conséquemment je combats le bill en question.⁸¹

MR. FOLEY.--The honorable member for Renfrew exclaimed, that the opposition to the bill arose from popular delusion. But, in asking for the postponement of it for six months, honorable members only asked for an opportunity of laying it before the public, and canvassing the opinion of the country on it. May it not turn out to be correct, that it was the honorable member for Renfrew, and not the public, who were laboring under the delusion? and the argument used by him was another reason why the Government should suppress the measure. The people of the country were against the measure, and three-fourths of the press of the country, Conservative as well as Opposition had cried out against it.⁸² The Press had spoken out loudly against it, not only the Reform Press, but the Conservative Press which usually supported the Government, such as the Toronto Colonist and the Streetsville Review. He had no hesitation in saying that three-fourths of the newspapers of this Province had spoken on this Bill had spoken against it. Even members in this House, who had given the Government a strong party support, felt bound to oppose the measure, even at the risk of breaking up party ties. Why then should the Government persist in pressing it against a clearly expressed public opinion? They seemed themselves to be at a loss for reasons to urge in its favour. First, the gallant knight placed it on the ground that it was required with a view to the defence of the country. But that was found to be untenable, and the Attorney General West veered

round, and advocated it simply as a measure for establishing a Police Force. It appeared to him that, in this matter, the party now in power had shown their usual distrust of the people of this country. This was apparent not only from the character of the measure as a whole, but from its particular features. Wherever the rights of the people were protected by the old militia law that protection was removed by the present Bill. By the Act now in force it was provided that all colonels of militia should reside within their battalions, and all subaltern officers within their divisions--a most salutary provision in order, that the officers might know their men and have confidence in them. But there was nothing of the sort in the present Bill, which left it to the Government to appoint to those officers their own favourites, in whom the people of the country might have no confidence. Again according to the existing law, Volunteer Companies must be taken from the Sedentary Militia. There was no such provision in this Bill. The present Act provided that no officer who had been dismissed from Her Majesty's service should have a commission in the Militia. Why was this left out? He believed that a more odious and hateful Bill to the people of this country was never introduced into Parliament, and one effect of it he was satisfied would be, that a large portion of the people would be induced to emigrate from the Province. If this Volunteer corps were forced on the country against their will, he believed it would be productive of so much strife and difficulty and confusion, that it would become absolutely necessary for a counter force to be got up to protect the rights and liberties of Her Majesty's (sic) subjects in this Province.⁸³

DR. ROLPH hoped the measure would be postponed. There was no reason for passing it in a hurry⁸⁴ unless indeed, as there were grounds for believing ((it)) was the case, the Government were in possession of important despatches on the subject of the defences of the country, which had not been communicated to the House. It appeared that a despatch on this subject went before the Militia Commissioners, and he considered it insulting to Parliament that any despatches which had been disclosed to Commissioners should be withheld from the representatives of the people, or from the people themselves. If nothing else induced him to look on the Bill with apprehension, this would. Secrecy was rarely needful but in a bad cause. If the despatch amounted to nothing, let the House know it. If it amounted to something, it was all the more necessary that they should be put in possession of it. There was nothing appertaining to public affairs known to the gallant knight and his colleagues which should not be known by this House. Let the gallant knight either disclose the secret or postpone the measure until it could be well weighed by the people. It was usual on all important measure to do this, to bring them forward in one session, and then allow them to stand the test of mature consideration till the next. Such was the language used when the Maine Liquor Law was introduced. Hon. gentlemen then found it convenient to say that the Bill should stand over to another session to give the people time to understand it. Why would not the gallant knight consent to take the same course now? And there was another urgent reason for a postponement. He found there was something lurking behind this Bill. A Police Bill was also in contemplation. Why was not that Police Bill on the table? Perhaps if they had it before them, they might find that it altogether removed the necessity for the Militia Bill. It was very unlike the gallant knight all this concealment--that he should keep behind the curtain not only the undisclosed despatches but the Police Bill also. It ought not to be in the power of

any Government to withhold from Parliament information of this kind, and to do so was an indignity to which no minority should submit.⁸⁵

MR. PRES. EX. COUN. MACNAB in reply to the appeals which had been made to him to postpone (sic) the Bill, said it would ill become him and his hon colleagues--to flinch from the responsibility they had assumed in introducing it. This was a Government measure which they expected to carry, and if they failed to carry it, they knew the consequences and would not flinch from them. Hon. gentlemen spoke about despatches. Now he had over and over again told this House and the country that there were no despatches on the subject of the militia (sic) of this Province that were not before the House. He had repeatedly informed hon. gentlemen that then (sic) was no such despatch that he had seen, and if there had been one, from his position in the Commission and in the Government he had no doubt he would have seen it. When he made such a statement, he was entitled to credit, and it ill became a venerable gentleman, lately a member of the Government, to take upon himself the responsib((i))lity of asserting that any despatch was withheld.⁸⁶

DR. ROLPH.--I never heard you make the statement that no despatch was withheld.⁸⁷

MR. PRES. EX. COUN. MACNAB.--I have stated it over and over again.⁸⁸

MR. HOLTON.--The Report of the Commissioners, of whom Sir Allan was one, distinctly refers to a despatch on the subject of the defences of the Province, which has not been laid on the table.⁸⁹

MR. PRES. EX. COUN. MACNAB said that the despatch there alluded to was one from the Duke of New-Castle which had been published in the Montreal newspapers. But the hon. member for Norfolk referred to a Police Bill. Was there any notice of a Police Bill on the notice Book? Where did the hon. gentleman get his information that the Government intended to introduce a Police Bill? Undoubtedly the subject of the Police had been under the consideration of the Government((t)), and when they determined on a measure of that kind, they would bring it down, but that had nothing to do with the Bill now before the House.⁹⁰ The hon. member for Montcalm,⁹¹ expressed a great deal of apprehension for the troubles of England, and ant((i))cipated very alarmingly the danger we might stand in ourselves; but connected two matters together which were quite apart: the removal of the Legislature to the City of Toronto, and that before the House--and voted against the present measure because a permanent seat of Government was not fixed at Quebec. Another honorable member voted against it⁹². The hon. member for Waterloo (Mr. Foley) spoke of the volunteer Force as it was to be a standing army to keep down the honest expression of opinion on the part of the people of this country.⁹³ It was nonsense for Mr. Foley to pretend that the force contemplated by the bill could keep down public opinion.⁹⁴ But was there anything of that kind in the Bill? Volunteers were to be drilled for 10 or 20 days, and that was the whole of it. He had never seen a Bill of this sort introduced into the House of Assembly which had received so general a support. (Oh! oh!) Since its introduction he had received from gentlement (sic) in all parts of the country well qualified to judge a half bushel of opinions in its favour.⁹⁵

MR. HOLTON.--A half-bushel of applications for appointments.⁹⁶

MR. PRES. EX. COUN. MACNAB.--Such a taunt was unworthy the notice of a statesman. The Government were actuated by far higher considerations in introducing this Bill than a mere desire to increase their patronage.⁹⁷ The Government feel it their duty to bring in this bill, and if they had not done so they would not deserve the support of the House.⁹⁸ What were a few appointments at 30L a year? These letters he had received were not from applicants for office but from good and loyal men who desired to see the Militia of the country placed on a proper footing, and approved of the course the Government were taking with that view.⁹⁹ The bill was in every respect an essential one to the country, and was everywhere most acceptable to the people; and he grieved that the yeomanry of the country did not meet with more generosity from hon. members who refused to pay them as well as to clothe them; and he believed the time would come when they would be glad to see them paid as well as those at the other side of the line.¹⁰⁰ The kind of opposition the Bill had received in this House was not such as he would have expected.¹⁰¹

MR. PAPIN.--The opposition comes from your own friends.¹⁰²

MR. PRES. EX. COUN. MACNAB:--They are no friends of mine.¹⁰³

Hear, hear from the opposition¹⁰⁴.

((MR. PRES. EX. COUN. MACNAB continued:)) When I speak of friends, I mean those who come to this House to give the Government a hearty support. Those are the sort of friends I want, and if they are not satisfied with the course I take, let them get a better man to fill my place (Hear, hear.) I believe it is a Bill which will be acceptable to the people of this country, and I tell those hon. gentlemen who have been giving the Government their support, that if they vote against this Bill and throw it out, they know the consequences. They have a right to exercise their own judgment, and I have a right to exercise mine. I know what is due to them, and, thank God I know also what is due to myself.¹⁰⁵

(812)

And the Order of the day for receiving the Report of the Committee of the whole House on the Bill to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose, being read;

Mr. Sidney Smith moved, seconded by Mr. Patrick, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, with an instruction to make the following amendments thereto:--

Leave out Clauses 22 to 44 inclusive.

Clause 56, line 3. After "division" insert "within this Province."

Clause 65, line 2. After "place" insert "within this Province."

Clause 68, line 2. Leave out from "Province" to "from" in line 3, and insert "upon;" and after "attack" in line 3, leave out "on this Province."

Leave out Clauses 66, 74, 75, 76, 77, and 78.

Clause 79, line 2. After "on a march" insert "in the time of war, invasion or insurrection."

Clause 85, line 4. After "females" insert "or in the house or premises of any widow or unmarried female in which no male adult shall be then resident."

Clause 85, line 5. Leave out "Religious Order."

Leave out Clause 95.

Clause 98, line 1. After "any" insert "male."

Clause 113. Leave out "through" in line 7, and insert "if;" and leave out "not" in line 8.

Clause 113, lines 8 and 9. Leave out from "defendant" to the end of the Clause, and insert "according to the ordinary practice of the Court in which such action shall be brought or may be depending;"

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Bureau, Christie, Cook, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Dufresne, Ferrie, Foley, Frazer, Gould, Hartman, Holton, Huot, Jobin, Laberge, John S. Macdonald, Roderick Macdonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Sidney Smith, Wright, and Young.--(36.)

NAYS.

Messieurs Alleyn, Bellingham, Blanchet, Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Crysler, Daly, Desaulniers, Dionne, Attorney General Drummond, Egan, Thomas Fortier, Fournier, Gamble, Gill, Hincks, Jackson, Labelle, Langton, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, and Turcotte.--(62.)

(813)

So it passed in the Negative.

The vote having been taken on Mr. Smith's amendment, it was observed that the hon. member for Kent had not voted.¹⁰⁶

MR. LARWILL asked if he was obliged to vote.¹⁰⁷

MR. SICOTTE the SPEAKER.--Certainly.¹⁰⁸

MR. LARWILL.--Then I vote with the Ministry, although I do think they are going it a little too strong. (Laughter.)¹⁰⁹

(813)

Mr. Brown moved, seconded by Mr. Holton, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, with an instruction to leave out the 36th Clause, which provides for the payment of the Volunteer Militia while out on drill; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Biggar, Brown, Bureau, Christie, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Holton, Huot, Jobin, Laberge, John S. Macdonald, Roderick Macdonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Sidney Smith, Wright, and Young.--(35.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crysler, Daly, Desaulniers, Dionne, Attorney General Drummond, Egan, Ferres, Thomas Fortier, Fournier, Gamble, Gill, Hincks, Jackson, Labelle, Langton, Larwill, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Terrill, Thibaudeau, and Turcotte.--(65.)

So it passed in the Negative.

Mr. Brown moved, seconded by the Honorable John Sandfield Macdonald, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, with an instruction to leave out the 44th Clause, by which two Military Inspectors are authorized to be appointed with Four hundred pounds per annum, each, and travelling expenses; and also, to leave out that portion of the 49th Clause which authorizes the appointment of an Adjutant-General with a salary of Seven hundred and fifty pounds per annum; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Bureau, Christie, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Holton, Huot, Jobin, Laberge, Larwill, John S. Macdonald, Roderick Macdonald, Mackenzie, Marchildon, Mattice, Munro, Papin, Patrick, Prévost, Scatcherd, Sidney Smith, Wright, and Young.--(35.)

(814)

NAYS.

Messieurs Alleyn, Bellingham, Blanchet, Bowes, Brodeur, Burton, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crysler, Daly, Desaulniers, Dionne, Attorney General Drummond, Ferres, Thomas Fortier, Fournier, Gamble, Gill, Hincks, Jackson, Labelle, Langton, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Taché, Thibaudeau, and Turcotte.--(59.)

So it passed in the Negative.

Mr. Foley moved, seconded by Mr. Ferrie, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, with an instruction to amend the same, by leaving out that portion of the 6th Clause which provides for an Annual Muster of the Sedentary Militia in time of Peace; the House divided: and the names being called for, they were taken down as in the last preceding division.

So it passed in the Negative.¹¹⁰

Mr. Gould moved, seconded by Mr. Bell, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, to amend the same, by making provision for all the Volunteer Companies electing their own Officers; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Bureau, Christie, Cook, Charles Daoust, Darche, Desaulniers, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Holton, Huot, Jobin, Laberge, Mackenzie, Marchildon, Mattice, Munro, Papin, Prévost, Rolph, Scatcherd, Sidney Smith, Wright, and Young.--(33.)

(814-815)

NAYS.

Messieurs Alleyn, Bellingham, Blanchet, Bowes, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Crysler, Daly, Dionne, Attorney General Drummond, Ferres, Thomas Fortier, Fournier, Gamble, Gill, Hincks, Jackson, Labelle, Langton, Larwill, Lemieux, Loranger, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Patrick, Poulin, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Taché, Terrill, and Turcotte.--(58.)

So it passed in the Negative.

MR. LABERGE moved in amendment to strike out from the 27th (sic) clause, the word thousand, so that it read five officers and men, &c.¹¹¹

MR. FERRES appealed to the common sense of the mover, and begged him to withdraw his motion.¹¹²

Motion put and lost, only five voting for it.¹¹³

(815)

Mr. Laberge moved, seconded by Mr. Bureau, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, to amend the same, by leaving out the word "thousand" in the 22nd Clause; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bureau, Christie, Darche, DeWitt, Dufresne, Fergusson, Foley, Hartman, Huot, Jobin, Laberge, Marchildon, and Rolph.--(13.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Brown, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Cook, Crysler, Daly, Charles Daoust, Desaulniers, Dionne, Antoine A. Dorion, Attorney General Drummond, Ferres, Ferrie, Thomas Fortier, Fournier, Frazer, Gamble, Gill, Gould, Hincks, Holton, Jackson, Labelle, Langton, Loranger, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Papin, Patrick, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, and Young.--(73.)

So it passed in the Negative.

Mr. Foley moved, seconded by Mr. Ferrie, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, with an instruction to amend the same, by providing that the Colonels shall be selected from parties residing within the limits of their Battalions, and Subaltern Officers from parties residing within the limits of their Companies; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Biggar, Brown, Bureau, Christie, Cook, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Holton, Huot, Jackson, Larwill, Lumsden, John S. Macdonald, Roderick Macdonald, Mackenzie, Marchildon, Munro, Papin, Patrick, Rolph, Scatcherd, Wright, and Young.--(33.)

(815-816)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Crysler, Daly, Desaulniers, Dionne, Attorney General Drummond, Ferres, Thomas Fortier, Fournier, Gamble, Hincks, Labelle, Langton, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Mattice, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, and Turcotte.--(55.)

So it passed in the Negative.

(816)

Mr. Foley moved, seconded by Mr. Ferrie, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, with an instruction to amend the same, by providing that so much thereof as provides that Township Municipalities shall be subjected to the payment of Volunteers while on service within their limits, and so much thereof as subjects Township Municipalities to liability for damages arising from Riots, be left out; the House divided:--And it passed in the Negative.

The Honorable Mr. Rolph moved, seconded by Mr. Hartman, and the Question being put, That the said Order of the day be discharged, and the Bill re-committed to a Committee of the whole House, with an instruction to insert a Clause providing that the Bill shall not go into operation until there shall be a Royal Proclamation declaring War, or that the same is impending; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Christie, Charles Daoust, Darche, Fergusson, Frazer, Gould, Hartman, Huot, Jobin, John S. Macdonald, Mackenzie, Marchildon, Mattice, Munro, Papin, Patrick, Rolph, Wright, and Young.--(20.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bowes, Brodeur, Cartier, Casault, Cauchon, Cayley, Chabot, Chisholm, Clarke, Crysler, Daly, Dionne, Attorney General Drummond, Dufresne, Egan, Ferres, Ferrie, Thomas Fortier, Fournier, Gamble, Gill, Hincks, Labelle, Langton, Lemieux, Loranger, Lumsden,

Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Meagher, Joseph C. Morrison, Angus Morrison, Murney, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Terrill, and Thibaudeau.--(53.)

So it passed in the Negative.

Mr. Powell then reported the Bill; and the amendments were read, and agreed to.

(817)

On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith, another amendment was made to the Bill, by adding the words "Provided always, that no sum of money shall be paid out of the Consolidated Revenue Fund until first approved by Resolution of the Legislative Assembly in the annual Estimates" at the end of the 114th Clause.

Ordered, That the Bill be read the third time To-morrow.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 7th ultimo, for information respecting the management of the Lachine Canal, and for the names of the several Officers connected with the same.

For the said Return, see Appendix (T.T.)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 16th ultimo, praying His Excellency to cause to be laid before this House, a List of all Crown and Clergy Lands which have been sold within the County of Kent, since the first day of January, 1852, with the date of each sale, and the names of the parties to whom sold, and the amount paid on each sale; and also, a List of the Crown, Clergy, University, School and other Lands, remaining unsold; also, the Town Lots in the Town of Chatham, in the said County, remaining unsold.

For the said Return, see Appendix (L.L.)

Return to an Address from the Legislative Assembly, of the 28th ultimo, for copies of Accounts of the Returning Officers of L'Assomption, in 1854, and of Leinster, in 1851; and also of correspondence.

For the said Return, see Appendix (N.)

Return to an Address from the Legislative Assembly, of the 15th ultimo, for a Statement of Receipts and Expenditure (sic) of the Quebec Turnpike Road Trustees for the last two years of their administration.

For the said Return, see Appendix (L.)

Return to an Address from the Legislative Assembly, of the 22nd ultimo, for copy of Correspondence relative to a Road from Chester to Lake Alymer.

For the said Return, see Appendix (N.N.N.)

Return to an Address from the Legislative Assembly, of the 8th ultimo, for copy of Correspondence relative to a claim preferred by the Honorable Mr. Chief Justice Bowen, to a higher rate of emolument than he has received since 1849.

For the said Return, see Appendix (O.O.O.)

On motion of MR. AT. GEN. DRUMMOND,¹¹⁴

(817)

The Order of the day for the second reading of the Bill to repeal the Act 16 Vic. cap. 24, and to make other provision for the management of the Harbour of Montreal, being read;

The Bill was accordingly read a second time; and referred to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Loranger reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

(818)

*Then, on motion of Mr. Thibaudeau, seconded by Mr. Casault,
The House adjourned.*

APPENDIX: 10 APRIL 1855.

((NOTICE OF MOTION FOR A BILL TO EXEMPT FROM SEIZURE PRIVATE LIBRARIES.))

MR. LABERGE ((donne avis que)) jeudi prochain ((il fera motion pour un)) Bill pour exempter de la saisie les bibliothèques privées, et les instruments et outils des professions.¹¹⁵

((NOTICE OF MOTION FOR AN ADDRESS RE: PAPERS CONCERNING THE CASE AGAINST WILLIAM GRAY.))

MR. SOMERVILLE ((donne avis que)) jeudi prochain ((il fera motion pour une)) Adresse à son excellence le gouverneur général, le priant de vouloir bien faire mettre devant cette chambre, par l'officier qu'il appartient, copie du mémorial de John Markow et William Lamb, deux des juges de paix de sa majesté pour le district de Montréal, demandant une enquête sur les circonstances se rattachant à l'enlèvement, par Benjamin Délisle, premier constable à Montréal, de William Gray, arrêté à Huntingdon sous accusation de meurtre en novembre dernier, de la garde des dites autorités pendant qu'il subissait un interrogatoire devant elles, avec copie du warrant émis par Alex. Laframboise, écuyer, et tous autres papiers ayant rapport à cette affaire, et copie de toute correspondance qui a été échangée entre le gouvernement et les dites parties, et entre le gouvernement ou aucun membre du gouvernement et A.M. Delisle, écuyer, clerk de la couronne, ou autres, et entre le dit A.M. Delisle et toute autre personne concernée dans l'affaire du dit William Gray.¹¹⁶

((QUESTION AND ANSWER RE: RECIPROCITY TREATY.))

MR. BROWN asked if the attention of the Government had been directed to the interpretation put by the American Government on the Reciprocity Treaty, as regarded the admission of sawn lumber into the United States. It was very desirable that the country should know what view of the matter was taken by the Provincial Government. For his own part he could not see how the wording of the Treaty would at all bear out the interpretation put upon it in the circular from the American Secretary of the Treasury.¹¹⁷

MR. INSP. GEN. CAYLEY announced that he had to-day received from Ogdensburg a telegraphic despatch stating that under Mr. Guthries' circular, sawn lumber would be admitted into the United States free.¹¹⁸

MR. BROWN.--Was it not understood by the Provincial Government, that all sorts of sawn lumber, not actually manufactured, were included in the Treaty?¹¹⁹

MR. INSP. GEN. CAYLEY.--Certainly.¹²⁰

FOOTNOTES: APRIL 10, 1855.

1. GLOBE, 23 April 1855.
2. TORONTO DAILY LEADER, 17 April 1855.
3. IBID.
4. IBID.
5. GLOBE, 23 April 1855.
6. TORONTO DAILY LEADER, 19 April 1855.
7. IBID.
8. IBID.
9. GLOBE, 23 April 1855.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. TORONTO DAILY LEADER, 19 April 1855.
15. IBID.
16. GLOBE, 23 April 1855.
17. TORONTO DAILY LEADER, 19 April 1855.
18. LA MINERVE, 17 April 1855.
19. LE PAYS, 14 April 1855.
20. GLOBE, 23 April 1855.
21. IBID.
22. LE PAYS, 14 April 1855.
23. Telegraph (TORONTO DAILY LEADER, 11 April 1855) reports the vote on "the amendment was lost without division".
24. LE PAYS, 14 April 1855.
25. IBID.
26. IBID.
27. IBID.
28. GLOBE, 23 April 1855.
29. IBID.
30. MORNING CHRONICLE, 13 April 1855.
31. GLOBE, 23 April 1855.
32. IBID.
33. LE PAYS, 14 April 1855.
34. IBID.
35. GLOBE, 23 April 1855.
36. LE PAYS, 14 April 1855.
37. HAMILTON SPECTATOR, 21 April 1855.
38. GLOBE, 23 April 1855.
39. HAMILTON SPECTATOR, 21 April 1855.
40. GLOBE, 23 April 1855.
41. MORNING CHRONICLE, 13 April 1855.
42. TORONTO DAILY LEADER, 17 April 1855. This newspaper reports: "The member for Northumberland objected to the 103rd clause" of the Militia Bill. According to the JOURNALS, page 812, Mr. S. Smith proposed to amend the 113th clause.
43. GLOBE, 23 April 1855.
44. IBID.
45. IBID.
46. IBID.

47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. TORONTO DAILY LEADER, 17 April 1855.
52. GLOBE, 23 April 1855.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. LE PAYS, 14 April 1855.
58. GLOBE, 23 April 1855.
59. TORONTO DAILY LEADER, 17 April 1855.
60. LE PAYS, 14 April 1855.
61. GLOBE, 23 April 1855.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. TORONTO DAILY LEADER, 17 April 1855.
68. LE PAYS, 17 April 1855.
69. LA MINERVE, 19 April 1855.
70. IBID.
71. IBID.
72. GLOBE, 23 April 1855.
73. LE PAYS, 14 April 1855.
74. IBID.
75. IBID.
76. IBID.
77. HAMILTON SPECTATOR, 21 April 1855.
78. GLOBE, 23 April 1855.
79. LA MINERVE, 19 April 1855.
80. LE PAYS, 14 April 1855.
81. LA MINERVE, 19 April 1855.
82. TORONTO DAILY LEADER, 17 April 1855.
83. GLOBE, 23 April 1855.
84. MORNING CHRONICLE, 13 April 1855.
85. GLOBE, 23 April 1855.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. HAMILTON SPECTATOR, 21 April 1855.
92. TORONTO DAILY LEADER, 17 April 1855.
93. GLOBE, 23 April 1855.
94. MORNING CHRONICLE, 13 April 1855.
95. GLOBE, 23 April 1855.
96. IBID.
97. IBID.
98. TORONTO DAILY LEADER, 17 April 1855.

99. GLOBE, 23 April 1855.
100. TORONTO DAILY LEADER, 17 April 1855.
101. GLOBE, 23 April 1855.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. GLOBE, 23 April 1855, reports the vote on Mr. Foley's amendment was: "Yeas 35. Nays 59. (The names being the same as on the preceding division.)"
111. TORONTO DAILY LEADER, 17 April 1855. This newspaper reports Mr. Laberge moved an amendment to strike out the 27th clause. This differs from the JOURNALS, page 815, where Mr. Laberge moved to amend the 22nd clause.
112. TORONTO DAILY LEADER, 17 April 1855.
113. TORONTO DAILY LEADER, 17 April 1855. This newspaper reports only five members voted for Mr. Laberge's amendment. This differs from the JOURNALS, page 815, and from GLOBE, 23 April 1855, which record the YEAS as "13."
114. TORONTO DAILY LEADER, 17 April 1855.
115. LE PAYS, 14 April 1855.
116. IBID.
117. GLOBE, 23 April 1855.
118. TORONTO DAILY LEADER, 17 April 1855.
119. GLOBE, 23 April 1855.
120. IBID.

WEDNESDAY, 11 APRIL 1855.

(818)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of Christian Troyer and others, of the Township of Vaughan, County of York; the Petition of Samuel Pearson and others, of the County of York; the Petition of Benjamin Lepard and others; the Petition of the Reverend Thomas Wrightman and others, of the County of York; and the Petition of John Jackson and others, of the County of York.

By Mr. Patrick,--The Petition of John Morey and others, of the Township of Augusta; the Petition of Moses Read and others, of Augusta; and the Petition of the Matilda Division, No. 22, of the Order of the Sons of Temperance.

By Mr. Rankin,--The Petition of Edwin Larwill, M.P.P., and others.

By Mr. Mongenais,--The Petition of A.C. Cholet and others, of the Parish of Rigaud, County of Vaudreuil.

By Mr. Frazer,--The Petition of Henry Disher and others, of the County of Lincoln; the Petition of Henry Kalar and others, of Stamford, County of Welland; the Petition of Duncan McFarland and others, of the County of Welland; three Petitions of the Municipal Council of the United Counties of Lincoln and Welland; and the Petition of the Municipality of the Village of Thorold.

By Mr. Ferrie,--The Petition of George Hislop and others, of the County of Waterloo.

By Mr. Shaw,--The Petition of the School Trustees of the Perth Public School, in the United Counties of Lanark and Renfrew.

By Mr. Fergusson,--The Petition of Charles McMillan and others, of the County of Wellington.

By Mr. Gill,--The Petition of the Reverend J.M. Carrier and others, of the Division No. 1, of the Parish of St. Antoine de la Baie, County of Yamaska.

By Mr. Biggar,--The Petition of George Bruce and others, of the County of Brant.

By the Honorable Mr. Rolph,--The Petition of Joseph W. Stone and others, of the Township of Walsingham, in the County of Norfolk.

By Mr. Stevenson,--The Petition of George Arthur and others, of the Township of Hillier, in the County of Prince Edward.

By Mr. Christie,--The Petition of Robert Gillespie and others, of the County of Brant; the Petition of the Reverend Elijah Clark and others, of the County of Brant; and the Petition of the Reverend T.L. Davidson and others, of the Town of Brantford.

By Mr. Wright,--The Petition of William Muir and others, of the Township of Scarboro, in the County of York; and the Petition of John C. Burr and others, of the Township of Markham, in the County of York.

By Mr. Foley,--The Petition of Nathaniel Lamson and others, of the County of Norfolk.

By the Honorable John Sandfield Macdonald,--The Petition of John McDonald and others, of the Townsh((i))p of East Nissouri, County of Oxford; the Petition of Murdock McLeod and others, of the Township of Kincardine, County of Bruce; and the Petition of John McLean and others, of the Township of Bruce, County of Bruce.

(819)

By Mr. Antoine Aimé Dorion,--The Petition of the Mayor, Aldermen and Councillors of the City of Montreal.

By Mr. Papin,--The Petition of the Reverend D.H. Têtu and others, of the Parish of St. Roch des Aulnets, in the County of L'Islet, Censitaires.

By Mr. Mackenzie,--The Petition of William Ross and others, of the County of Lincoln; the Petition of George Lunan and others, of the Township of Collingwood, County of Grey; the Petition of William Purdy and others, of the County of Lincoln; the Petition of Mathew Gill and others, of the County of Haldimand; the Petition of William Hume, M.D., and others, of the County of Haldimand; and the Petition of Donald Campbell and others, of the County of Haldimand.

By Mr. Daly,--The Petition of Benjamin Grant and others, of the County of Perth.

By Mr. DeWitt,--The Petition of Octave Laberge and others, of the Counties of Beauharnois, Chateaugay, and Huntingdon.

By Mr. DeLong,--The Petition of A. Parish and others, of the County of Leeds; and the Petition of Thomas Hayes and others, of the South Riding of the County of Leeds.

By Mr. Turcotte,--The Petition of P.E. Leclerc and others, of the Parish of St. Hyacinthe; and the Petition of L. Baribeau and others, of the Parish of St. Antoine de la Rivière du Loup, County of Maskinongé.

Mr. Langton, from the Standing Committee on Standing Orders, presented ... to the House the Twenty-eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Provisional Proprietors in the Metropolitan Gas and Water Company, and of Edwin Larwill, Esquire, and others, and find that the Notices are sufficient.

The Petitions of James S. Wetenhall and others, of the City of Hamilton, for incorporation of the General Drainage and Land Improvement Company of Upper Canada, and of J.L. Willson and others, of the City of Toronto, for incorporation of the Canada Ore Dressing Company, both relate to matters tending to promote public improvement, and cannot in any way affect private interests, and no Notice having been given, Your Committee recommend that the usual Notice be dispensed with.

With respect to the Petition of the Wardens of the House of Industry and the Mayor, Aldermen and Citizens of Montreal, praying that the management of the House of Industry may be vested in the Corporation, Your Committee find that no Notice has been given; but as the Petition is signed both by the Wardens and the Corporation, the only parties whose interests are affected, Your Committee beg to recommend that the Notice be dispensed with.

The Petition of the Town Council of the Town of Barrie prays that the Ontario, Simcoe, and Huron Railroad Union Company may be empowered to construct a branch to connect their Railroad with the said Town, and no Notice of their application has been published; Your Committee find however from the evidence of one of the Directors of the Railway Company, that the Petitioners have had constant communications with the Board of Directors for some time past, with a view of effecting the proposed improvement, and the right of way has been obtained from twenty-two of the proprietors whose lands would be crossed, the remaining four, though applied to, refuse to concede the right of crossing their lands. Your Committee consider this sufficient proof that all the parties affected have had all requisite Notice of the application, and they therefore beg to recommend a suspension of the 62nd Rule.

On the Petitions of William P. McLaren and others, for incorporation of the Upper Canada Loan Company, and of the Mayor, Aldermen, and Commonalty of the

(820)

City of Hamilton, for authority to borrow a further sum of money, Your Committee find that no Notice has been given.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to transfer to the *City of Montreal*, all the property, rights, and privileges heretofore enjoyed by "The Wardens of the House of Industry in the City of Montreal," and for other purposes.¹

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Mr. *Jobin*, from the Standing Committee on Contingencies, presented to the House the Eleventh Report of the said Committee; which was read, as followeth:--

Your Committee had placed before them, by the Accountant, at their first meeting after the adjournment, ending in February last, the Account Current of the Clerk for the period from the 31st of September, 1854, (the date to which the Accounts were previously audited,) to the 31st December, 1854, inclusive.

The said Account, which is herewith appended, shews the balance of Seven thousand and fifty-four pounds six shillings and one penny in the Clerk's hands, on the 1st of October, as being placed to the credit of Your Honorable House, together with the several sums of Twelve thousand pounds and Eight thousand pounds, advanced by Warrant upon Addresses of the 18th October and the 18th December last; the amount of Twelve thousand pounds on account of Indemnity and Travelling Expenses to the Members of Your Honorable House, agreeably to the Act 12 Vic., chap. 33, and the sum of Six hundred and seven pounds six shillings as Fees on thirty-four Private Bills, and on printing the same, which sum was paid over by the Clerk of the Private Bill Office, to the Accountant, agreeably to the Fourth Report of the Committee, made on the 21st November last. The whole amount thus placed at the credit of Your Honorable House is Forty-one thousand six hundred and sixty-one pounds twelve shillings and one penny.

The amount of expenditure in full, and on account, of the items as detailed in the Account Current, is Thirty-eight thousand four hundred and thirty pounds four shillings and four pence; shewing a balance, between the receipts and expenditure, of Three thousand two hundred and thirty-one pounds seven shillings and nine-pence, as being in the hands of the Clerk on the 1st January, 1855.

The vouchers for the expenditure have been duly examined by Your Committee, and are found correct.

The Committee have satisfaction in stating that, in compliance with the recommendation in their Fourth Report, Mr. *Vaux*, the Accountant, has opened proper Books of Account, by double entry, which appear to be correctly kept, and which will afford ready means of ascertaining the accuracy of the Accounts furnished of the House expenditure.

The Books are opened from the date at which the Accounts were last audited, and reported to Your Honorable House, viz: 30th September last, shewing the first item entered in the Cash Book to be Seven thousand and fifty-four pounds six shillings and one penny, the balance in hands of the Clerk on the 1st October last.

A Balance Sheet of the Books, up to the 1st January, 1855, is attached to the Report.

[illegible]

Quebec, 31st December, 1854.

Thos. Vaut, Accountant L.A.

E. and O. E.

Geo. Macbeth,
Geo. K. Chisholm,

W.B. Lindsey, Clk. Ass.

Sub-Committee.

(822)
 TRIAL BALANCE, 1st January, 1855.

	£	s.	d.	£	s.	d.
Legislative Assembly.....	.....	.....	.....	3231	7	9
Cash.....	3231	7	9			
Extra services.....	.....	.....	.....	16	15	0
Printing.....	.....	.....	.....	4465	17	11
Stationery.....	.....	.....	.....	50	0	0
Miscellaneous.....	.....	.....	.....	87	10	0
G. Desbarats, on account.....	1243	1	1			
J. Lovell, do	1800	0	0			
R. Campbell, do	823	14	4			
L. Perrault.....	590	12	6			
J. Dredge.....	8	10	0			
A. Patrick, "Miscellaneous," on account.....	75	0	0			
Joseph Asselin, on account.....	12	10	0			
P. Sinclair, do	50	0	0			
J. Cane, do	11	15	0			
E. Dorion, do	5	0	0			
	£ 7851	10	8	7851	10	8

Accountant's Office,
 1st January, 1855.

Thos. Vaux,
 Accountant.

Ordered, That the said Report be printed for the use of the Members of this House.

Sur motion de MR. S. SMITH,²

(822)

Resolved, That a Message be sent to the Honorable the Legislative Council, for permission to the Honorable Charles Wilson, one of their Members, to appear and give evidence before the Special Committee of this House appointed to enquire into charges against the late Administration.

Ordered, That Mr. Sidney Smith do carry the said Message to the Legislative Council.

MR. MACKENZIE submitted the third report of the Committee on Public Accounts, which he stated was devoted to the subject of introducing the Decimal system into the country, and weights and measures. The Committee after obtaining opinions from a great number of competent parties, both in Canada and the States recommended that after the 1st Jany. 1856, there should be but one currency of which the dollar should be the unit, and that the public accounts should be kept in dollars, cents, and mills, the coinage being of the same intrinsic value as that of the United States. And instead of the ton of 2240 lbs, cwt of 112 lbs, and gr. of 28 lbs, the ton should be 2000 lbs, and its subdivisions corresponding.³ The committee had applied to a large number of competent persons on this subject, and their opinions would be found attached to the report.⁴

(822)

Mr. Mackenzie, from the Standing Committee on Public Accounts, presented to the House the Third Report of the said Committee; which was read.

For the said Report, see Appendix (J.J.)

On motion of the Honorable Mr. Cameron, seconded by Mr. Ferres,

Ordered, That the Select Committee on the Argenteuil Election Petition have leave to adjourn until Monday the thirtieth instant, at Ten o'clock in the forenoon, in order to afford the Petitioner and the Sitting Member sufficient delay to prepare their Lists of objected Voters.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Sherbrooke Literary Institute, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Sur motion de MR. PAPIN,⁵

(822)

Ordered, That the Return relative to the Accounts of the Returning Officers for the Counties of Leinster and L'Assomption, presented yesterday, be printed for the use of the Members of this House.

Ordered, That the 62nd Standing Rule of this House be suspended as regards a Bill to incorporate the Canada Ore Dressing Company.

(823)

Ordered, That the Honorable Mr. Robinson have leave to bring in a Bill to incorporate the Canada Ore Dressing Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Hartman, seconded by the Honorable Mr. Cameron,

Resolved, That the House doth concur in the Report of the Select Committee appointed to enquire into and report upon the best mode of arranging the Orders of the Day, so as to expedite the bussiness (sic) of the House.

Ordered, That the 62nd Standing Rule of this House be suspended as regards a Bill to incorporate the General Drainage and Land Improvement Company of Upper Canada.

Ordered, That the Honorable Sir Allan N. McNab have leave to bring in a Bill to incorporate the General Drainage and Land Improvement Company of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Town of Paris, and to define the limits thereof.

Ordered, That Mr. Christie have leave to bring in a Bill to incorporate the Town of Paris, and to define the limits thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Bill to incorporate the Sherbrooke Literary Institute, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Petition of the Town Council of the Town of Brantford be printed for the use of the Members of this House.

*On motion of Mr. Gill, seconded by Mr. Meagher,
Ordered, That the Minutes of Evidence taken before the Select Committee on the Lotbinière Election Petition be laid on the table.⁶*

Ordered, That the Honorable Mr. Lemieux have leave to bring in a Bill further to amend the Act, intituted (sic), "An Act for the management and relief of certain persons therein named and others, and authorizing them to associate themselves by the name of 'The Quebec Benevolent Society,' under certain restrictions, rules, and regulations therein mentioned."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Petition of William McPherson and others, Medical Practitioners of Canada West, be printed for the use of the Members of this House.

Sur motion de MR. CHISHOLM,⁷

(823)

Ordered, That the Report of the Commissioners appointed to inquire into a series of accidents and detentions in the Great Western Railway, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

(824)

Ordered, That Mr. Joseph Curran Morrison have leave to bring in a Bill to amend the Act incorporating the Metropolitan Gas and Water Company in the City of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Laberge, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, informed the House, That William Frederick Powell, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Mr. Powell do attend in his place in this House, To-morrow.

On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,

Ordered, That the Orders of the day be now read.

And the Order of the day for the third reading of the Bill to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose, being read;

The Honorable Sir Allan N. MacNab moved, seconded by Mr. Solicitor General Smith, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Bellingham, Blanchet, Bowes, Brodeur, Cameron, Cartier, Casault, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Fournier, Hincks, Jackson, Labelle, Langton, Larwill, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Stevenson, Terrill, Thibaudeau, and Turcotte.--(58.)

NAYS.

Messieurs Aikins, Biggar, Bureau, Christie, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Sidney Smith, Wright, and Young.--(32.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

MR. A. DORION (de Montréal) propose en amendement que la mise en opération de ce bill soit différée jusqu'au 1er mai 1856 et que les lois de milice actuelles demeurent en force jusqu'à cette époque. Il propose cet amendement parce qu'il ne voit aucune nécessité de le mettre en force immédiatement, et afin que le peuple puisse en prendre connaissance dans l'intervalle et exprimer son opinion. Si le bill est bien reçu par le peuple on pourra alors le mettre en force; mais s'il demande des amendements, on pourra les faire avant de le mettre en opération. Il ne désire pas s'étendre plus au long à présent, parce que le bill a déjà été discuté suffisamment.⁸

MR. PRES. EX. COUN. MACNAB really hoped that this would be the last effort to destroy a Bill which had been carried through all its stages by sweeping majorities. Nothing could be more absurd than for gentlemen to assert that the country was not aware of the intention of the Government to organize a Volunteer and Militia Force, when the Bill itself had been published in nearly every newspaper of the Province at a very early period of the Session, and when not a single petition had been received by the House complaining of the measure.⁹ Le triomphe du ministère a été assez grand sur tous les amendements qui ont été proposés hier soir, pour le justifier de s'opposer encore à cet amendement et de mettre son bill immédiatement en opération. Il répète que son bill a été reçu si favorablement qu'il peut appeler cela un triomphe; il n'a rencontré d'opposition que de la part des membres de l'autre côté, qui s'opposent toujours à toutes les mesures du gouvernement.¹⁰ The ordinary, systematic opposition

against all measures emanating from the Government was expected, and the Government did not complain of such opposition; but after there had been a fair stand-up fight, to keep up a petty, fiddling Opposition, was something more than could have been reasonably looked for. To attempt by a side wind to give the Bill not a six months', but a twelve months' hoist, was so absurd that he could not but express surprise that the attempt had been made. He was delighted to obtain the opinions of every member of the House, and made a point of ascertaining them by asking for them.¹¹ He could not suppose that any one who had voted for the bill could stultify himself by supporting such an amendment as that, especially when they saw that the recent majorities in its favour had been constantly increasing.¹²

MR. HOLTON said the gallant knight went a little too fast in raising his shout of triumph over the carrying of this measure. For the measure he now sought to pass was not the measure he originally introduced. He had been forced by the opposition to the measure to strip it of many of its obnoxious clauses. (Hear, hear.)¹³

MR. PRES. EX. COUN. MACNAB.--Name them.¹⁴

MR. HOLTON.--The modification of the 114th clause last night, was to make the expenditure dependent on an annual vote of Parliament. The withdrawal of the 70th clause, which would have compelled the province to pay the militia for service in the event of an invasion, and to provide for their widows and orphans; a clause which it was only discovered on the second night of the debate was an entire mistake and should not have been in the bill at all. The withdrawal of the 8th clause, which provided for arming the sedentary militia (200,000 men) at the expense of the province. And the withdrawal of the 32d clause, providing that the clothing of the volunteers should be furnished at the expense of the province. Where then, he asked, was the measure which the gallant knight had introduced? (Hear, hear.) It was all very well for him to raise a shout of triumph, but the triumph was all on the side of the opposition.¹⁵

Cries of how?¹⁶

((MR. HOLTON continued:))--The argument had been with them, and the moral strength. The gallant knight, to use an expressive vulgarism, had caved in with his bill--(laughter)--and had reduced it to very little account--so little that it did not matter much whether it got the six months' or the twelve months' hoist.¹⁷

MR. PRES. EX. COUN. MACNAB.--What is your objection to it now?¹⁸ ((OR)) MR. AT. GEN. J.A. MACDONALD.--"Then why oppose it?"¹⁹

((MR. HOLTON:)) Oh! there was quite enough of it to make the Bill obnoxious. Needless expense was to be incurred.²⁰

MR. AT. GEN. J.A. MACDONALD.--"Where then is the moral triumph?" (Great laughter.)²¹

MR. HOLTON.--Our moral triumph is this, that we have driven you to take out of your measure some of its most obnoxious features. But that moral triumph is

not so complete as it will be, when the country before long will have an opportunity of passing its verdict on this measure. (Hear, hear.)²² He had no desire to renew the debate but that shout of triumph from the Ministerial side of the House made some remarks necessary.²³

MR. SOL. GEN. H. SMITH ridiculed the moral triumph, contrasting the conduct of the opposition, with that of the opposition in 1846.²⁴ In the first debate on this Bill, the hon. member for Montreal said that if he got the 8th and 70th clauses struck out, and the 114th modified, he would not object to the Bill. Now he has got all he asked, and yet he supports the motion for giving the Bill a twelvemonth's hoist.²⁵

MR. MACKENZIE supported the amendment. He thought it would be well to have a twelvemonth to consider the measure deliberately. The Inspector General with his Tariff Bill had taken that course, by providing that it should not come into operation for several months. And who was the first to discover a fault in it? The Inspector General himself, who found it necessary two or three weeks ago to come down to Parliament, and ask them to tinker up his Bill for him.--(Hear, hear, and laughter.)²⁶

MR. MARCHILDON also briefly supported the amendment.²⁷

The amendment was negatived²⁸.

(824)

Mr. Antoine Aimé Dorion moved, seconded by Mr. Hartman, and the Question being put, That the following Clause be added to the Bill: "This Act will only

(825)

become in operation from and after the first day of May, one thousand eight hundred and fifty-six, and all and every the Acts and Ordinances mentioned in the first Section of the Act, or so much thereof as is now in force, shall be and are hereby continued to the first day of May, one thousand eight hundred and fifty-six;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Bureau, Christie, Charles Daoust, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Sidney Smith, Wright, and Young.--(33.)

NAYS.

Messieurs Bellingham, Blanchet, Bowes, Brodeur, Cameron, Cartier, Casault, Cayley, Chabot, Chisholm, Church, Clarke, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Fournier, Gill, Hincks, Jackson, Labelle, Langton, Larwill, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, and Turcotte.--(57.)

*So it passed in the Negative.*²⁹

The Honorable Sir Allan N. MacNab moved, seconded by Mr. Solicitor General Smith, and the Question being put, That the Bill do pass, and the Title be, "An Act to regulate the Militia of this Province, and to repeal the Acts now in force for that purpose;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Blanchet, Bowes, Brodeur, Cameron, Cartier, Casault, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Felton, Ferres, Thomas Fortier, Fournier, Gill, Hincks, Jackson, Labelle, Langton, Larwill, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, Poulin, Pouliot, Rankin, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, and Turcotte.--(58.)

(826)

NAYS.

Messieurs Aikins, Bell, Biggar, Bureau, Christie, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Dufresne, Fergusson, Ferrie, Foley, Frazer, Gould, Hartman, Holton, Jobin, Laberge, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Papin, Patrick, Prévost, Rolph, Scatcherd, Sidney Smith, Wright, and Young.--(34.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

The Honorable Mr. Cayley, one of Her Majesty's Executive Council, presented, by Command of His Excellency the Governor General,--Tables adopted by the Government as the basis of Commutation; and the same are, as followeth:--

Table, printed by Order of Government, shewing the present value of Expectancy or probable duration of Life at any period between 25 and 78 years:

<i>Age.</i>	<i>Present value of Expectancy, or probable duration of Life.</i>	<i>Age.</i>	<i>Present value of Expectancy, or probable duration of Life.</i>
25	14.82	52	11.33
26	14.75	53	11.15
27	14.67	54	10.94
28	14.58	55	10.66
29	14.49	56	10.40
30	14.40	57	10.18
31	14.32	58	9.93
32	14.23	59	9.61
33	14.15	60	9.43
34	13.98	61	9.24
35	13.92	62	9.15
36	13.81	63	8.64
37	13.69	64	8.50
38	13.58	65	8.27
39	13.45	66	8.02
40	13.32	67	7.76
41	13.21	68	7.46
42	13.06	69	7.10
43	12.88	70	6.80
44	12.80	71	6.52
45	12.61	72	6.35
46	12.50	73	5.98
47	12.33	74	5.78
48	12.17	75	5.58
49	11.90	76	5.30
50	11.79	77	5.20
51	11.56	78	4.99

Carlisle's Table shewing the Expectancy or probable duration of Life at any period between 25 and 78 years:

(827)

Age.	Expectancy, or probable duration of Life.	Age.	Expectancy, or probable duration of Life.
	<i>Years.</i>		<i>Years.</i>
25	37.86	52	19.68
26	37.14	53	18.97
27	36.41	54	18.28
28	35.69	55	17.58
29	35.00	56	16.89
30	34.34	57	16.21
31	33.68	58	15.55
32	33.03	59	14.92
33	32.36	60	14.34
34	31.68	61	13.82
35	31.00	62	13.31
36	30.32	63	12.81
37	29.64	64	12.30
38	28.96	65	11.79
39	28.28	66	11.27
40	27.61	67	10.75
41	26.97	68	10.23
42	26.34	69	9.70
43	25.71	70	9.18
44	25.09	71	8.65
45	24.46	72	8.16
46	23.82	73	7.72
47	23.17	74	7.33
48	22.51	75	7.01
49	21.81	76	6.69
50	21.11	77	6.40
51	20.39	78	6.12

The Order of the House of yesterday, for the attendance of Jean Baptiste Daoust, Esquire, in his place in this House this day, being read; and Mr. Daoust attending in his place;

Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That Jean Baptiste Daoust, Esquire, being one of the Members of the Select Committee appointed to try and detremine (sic) the matter of the Petition complaining of an undue Election and Return for the City of Quebec, and not having been present within one hour after the time appointed for the meeting of the Committee yesterday, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at Arms attending this House, informed the House, That he had taken Jean Baptiste Daoust, Esquire, into his custody.

Whereupon Mr. Bureau informed the House, that he was desired by Mr. Daoust to state, That it was not in his power to attend the Quebec Election Petition Committee yesterday, owing to his having been detained and prevented from arriving at Quebec, by severe sickness, and a death in his family; and the same having been verified upon Oath by Mr. Daoust;

Ordered, That Jean Baptiste Daoust, Esquire, be discharged out of custody, without payment of Fees.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, of the 19th ultimo, for copies of Official Correspondence with the Banks of Montreal and British North America, on the subject of Public Deposits, since the publication of the Report of the Committee on Public Deposits previous to the late adjournment.

For the said Return, see Appendix (E.E.)

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Mr. Loranger reported the Bill to repeal the Act 16 Vic. cap. 24, and to make other provision for the management of the Harbour of Montreal; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

La chambre se forme ensuite en comité sur le bill municipal³⁰.

Une discussion s'est élevée sur la proposition de MR. MASSON, qui demandait que les nouveaux conseils municipaux eussent le droit et fussent requis de payer les dettes des premiers conseils de districts, et établis par Lord Sydenham en 1841.³¹

Plusieurs membres prirent part à cette discussion et s'opposèrent à cette proposition, le plus grand nombre exposant que ces dettes ayant été contractées pour salaires d'officiers nommés par le gouvernement dans un temps où le peuple n'avait pas comme à présent, de contrôle sur les nominations, ce serait rendre les conseils municipaux très impopulaires, que de leur imposer l'obligation de payer ces salaires.³²

MR. CHABOT dit: Je pense que ces salaires ou dettes devraient être payés, quoique je sois opposé à ce qu'ils le soient de la manière proposée. Pour satisfaire aux réclamations de ces officiers, quelle que soit la cause de ces réclamations, je serais disposé à voter une somme à même le revenu général de la province, ou autre fonds, à la peine, s'il le faut, de voter une pareille somme en faveur du Haut-Canada, pour rétablir, comme on le fait en pareil cas, l'équilibre entre les deux provinces.³³

La proposition de M. Masson n'est pas adoptée.³⁴

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The House, according to Order, again resolved itself into a Committee on the Bill to reform the Municipal System of Lower Canada, and to establish County,

Parish, and Township Municipalities therein; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had made some progress, and directed him to move for leave to sit again.³⁵

Ordered, That the Committee have leave to sit again on Friday next.

((On motion of)) MR. SOL. GEN. H. SMITH³⁶,

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The Order of the day for the second reading of the Bill to declare the Act confirming a Survey of the Township of Ameliasburgh to extend to the Township of Hillier, which at the time of the Survey formed part of Ameliasburgh, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

((On motion of)) MR. SOL. GEN. H. SMITH³⁷,

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The Order of the day for the second reading of the Bill to amend the Acts relating to Land Surveyors, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

The Order of the day for the second reading of the Bill to amend the Act of the present Session, intituled, "An Act to authorize the sale of certain Lands described as Lots numbers five and six in Division A, of the Township of Guelph, and the re-investment of the proceeds for the objects of the Trust," by substituting another Trustee in lieu of the Trustees nominated by the said Act, being read;³⁸

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Then, on motion of Mr. Mackenzie, seconded by Mr. Casault,
The House adjourned.

APPENDIX: 11 APRIL 1855.

((NOTICE OF MOTION TO REFER THE ACCOUNTS OF THE RETURNING OFFICERS OF LEINSTER AND L'ASSOMPTION.))

MR. PAPIN ((donne avis que)) vendredi prochain ((il)) proposera que les comptes de l'officier-rapporteur du comté de Leinster pour l'élection de 1851, et ceux de l'officier-rapporteur du comté de l'Assomption pour l'élection de 1854, soient référés à un comité spécial composé de MM. Smith de Frontenac, Langton, Rankin, Macdonald de Glengary et du moteur, avec instruction d'examiner si les dits comptes sont corrects et exacts, et avec pouvoir d'envoyer quérir, personnes, papiers et records, et de faire rapport de temps à autre.³⁹

((POSTPONED MOTION (?) RE: THIRD READING OF MONTREAL LOCOMOTIVE MANUFACTURING COMPANY.))⁴⁰

MR. BELLINGHAM moved the third reading of the Bill to incorporate the Montreal Locomotive Manufacturing Company.⁴¹

MR. HOLTON objected, Mr. Young not being present, who had introduced the bill; and besides, in his opinion, the member for Argenteuil was not authorized to proceed with the Bill.⁴²

FOOTNOTES: 11 APRIL 1855.

1. MORNING CHRONICLE, 31 March 1855, differs from the JOURNALS and reports that Mr. Whitney introduced this bill on 30 March 1855.
2. LE PAYS, 17 April 1855.
3. Scrapbook Hansard (11 April 1855). This newspaper adds: "The report was ordered to be printed". According to the JOURNALS, page 832, the Third Report was ordered to be printed on the 12 April 1855.
4. MORNING CHRONICLE, 16 April 1855.
5. LE PAYS, 19 April 1855.
6. LE PAYS, 17 April 1855, reports that Mr. Gill moved for the printing of the Minutes of Evidence taken before the Select Committee on the Lotbinière Election Petition. According to the JOURNALS, page 823, Mr. Gill moved on 11 April 1855, that the Minutes be laid on the table. On 12 April 1855, JOURNAL page 832, the Minutes were ordered to be printed.
7. LA MINERVE, 17 April 1855.
8. LE PAYS, 19 April 1855.
9. TORONTO DAILY LEADER, 20 April 1855.
10. LE PAYS, 19 April 1855.
11. TORONTO DAILY LEADER, 20 April 1855.
12. Scrapbook Hansard (11 April 1855).
13. IBID.
14. IBID.
15. IBID.
16. TORONTO DAILY LEADER, 20 April 1855.
17. Scrapbook Hansard (11 April 1855).
18. IBID.
19. TORONTO DAILY LEADER, 20 April 1855.
20. IBID.
21. IBID.
22. Scrapbook Hansard (11 April 1855).
23. TORONTO DAILY LEADER, 20 April 1855.
24. IBID.
25. Scrapbook Hansard (11 April 1855).
26. IBID.
27. IBID.
28. IBID.
29. LA MINERVE, 17 April 1855, contains an erratum regarding the division on Mr. A. Dorion's motion. It reports: "les noms de M. Chapais et de M. Darche, auraient dû être retranchés." These names do not appear in the JOURNALS, page 825, yet it is not clear why they were removed. According to LE PAYS, 17 April 1855, on 12 April 1855, Mr. Darche requested that the Speaker record his name in favor of the amendment, and against the Bill. The request as reported in LE PAYS is reprinted below:

À l'ouverture de la séance, M. Darche attire l'attention de l'Orateur sur une erreur qui a été faite dans l'enregistrement des votes sur l'amendement proposé hier par M. Dorion au bill de milice. Son nom a été enregistré contre l'amendement et en faveur de l'adoption finale du bill, tandis qu'il a voté en faveur de l'amendement et contre le bill. L'Orateur fait alors corriger cette erreur.
30. LE PAYS, 19 April 1855.
31. LA MINERVE, 19 April 1855.

32. IBID.
33. IBID.
34. IBID.
35. A commentary in TORONTO DAILY LEADER, 20 April 1855, states that the House remained in committee "until eleven o'clock". LE PAYS, 19 April 1855, reports that the committee sat for several hours, yet none of the newspapers contain an account of the debate. TORONTO DAILY LEADER, 20 April 1855, comments on the subject as follows: "Mr. Attorney General Drummond's bill, intituled "The Lower Canada Municipal and Road Act" was being considered in Committee of the whole.... Its author was explaining and defending it, clause by clause, to about a dozen members, who were clustered round the Clerk's table as if they were playing whist. About twenty other members were seated in their chairs, or were grouped together, in twos and threes, cracking jokes. In the reporter's gallery there were only one or two reporters, apparently letter-writing, and one or more sketching the human face divine on foolscap."
36. TORONTO DAILY LEADER, 19 April 1855.
37. IBID.
38. After reporting Mr. H. Smith's motion to amend the Act relative to Land Surveyors, TORONTO DAILY LEADER, 19 April 1855, adds: "Dr. Clarke moved the reading of a bill, the title of which did not reach us." The only remaining item of the day is the second reading of the bill to amend the Act to authorize the sale of certain lands in the Township of Guelph. On 28 March 1855, JOURNAL page 765, Dr. Clarke introduced this bill. It is most likely also he moved the second reading here.
39. LE PAYS, 17 April 1855.
40. It would appear that Mr. Bellingham's motion for the third reading of the Bill to incorporate the Montreal Locomotive Manufacturing Company was postponed this day after Mr. Holton's objection. The item is not recorded on the JOURNALS of 11 April 1855. The third reading occurs on 12 April 1855, JOURNAL page 833.
41. TORONTO DAILY LEADER, 19 April 1855.
42. IBID.

THURSDAY, 12 APRIL 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Terrill,--The Petition of the Stanstead, Shefford, and Chambly Railroad Company.

By Mr. Darche,--The Petition of Charles Sabourin and others, of Longueuil, in the County of Chambly; and the Petition of the Mechanics' Institute of the Canton of Chambly.

By Mr. Egan,--The Petition of Edwin Pridham and others, of Chatham and other places in Lower Canada.

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By Mr. Stevenson,--The Petition of R. Lobb and others, of the Township of Marysburgh, in the County of Prince Edward.

By Mr. Aikins,--The Petition of William Speirs and others, of the County of Peel; the Petition of Joseph Figg and others, of the County of Peel; the Petition of John Vadden and others, of the County of Peel; and the Petition of James Haggart and others, of the County of Peel.

By Mr. Christie,--The Petition of C.C. Smith and others, of the Township of South Dumfries, County of Brant.

By Mr. Foley,--The Petition of J.B. Bowman and others, of the County of Waterloo; and the Petition of Andrew Thompson and others, of the County of Norfolk.

By Mr. Labelle,--The Petition of F. Barbeau and others, of the Parish of St. Raphaël de l'Isle Bizard.

By the Honorable Mr. Chauveau,--The Petition of the Reverend P. Huot, Curé, and others, of the Parish of Ste. Foye.

By Mr. Mackenzie,--The Petition of Walter Dalziel and others, of the County of York; and the Petition of Allan Willcox and others, of the County of Peel.

By the Honorable Mr. Merritt,--The Petition of Lewis Clement, residing in the Village of Thorold, County of Welland, gentleman.

Pursuant to the Order of the day, the following Petitions were read:--

Of Thomas Lloyd and others, Clerks of Division Courts for the County of Simcoe; praying that the Tariff of Fees allowed them under the Act 16 Vic. cap. 53, may be increased.¹

Of the School Commissioners of Pointe Claire; praying for an aid.

Of the School Commissioners of the Parish of St. Thomas de Pierreville; praying for an aid.

Of Joseph Wood and others, of the Township of Eramosa, County of Wellington; of James Peters and others, of the Township of Eramosa, County of Wellington; of Thomas Armstrong and others, of the Township of Eramosa, County of Wellington; of Robert Scott and others, of the Township of Eramosa, County of Wellington; of J.P. Plank and others, of the County of Ontario; of William Osborne and others, of the County of Waterloo; of Robert Wyllie and others, of the Township of North Dumfries and the Village of Ayr, in the County of Waterloo; of John Watson and others, of the County of Waterloo; of William Tilt and others, of the County of Waterloo; of Jacob Current and others, of the County of Welland; of the Municipality of the Township of Willoughby, County of Welland; of H.B. Bowman and others, of the County of Waterloo; of John A. Mackie and others, of the County of Waterloo; of Alexander Buchanan and others, of the County of Waterloo; of

James DeWitt and others, of Port Royal, in the County of Norfolk; of John A. Stearns and others, of the County of Norfolk; of S.P. Maybee and others, of the Township of Walsingham, in the County of Norfolk; of Luke Cook and others, of the Township of Middleton, County of Norfolk; of W. McClellan and others, of the Township of Middleton, County of Norfolk; of William Clements and others, of the County of Middlesex; of Joseph Carden and others, of the County of Wellington; of George Robb and others, of the County of Elgin; of James Brown and others, of the Township of Fullerton, County of Perth; of Kenneth Murchison and others, of the Township of Fenelon, in the County of Victoria; of Hosea Baker and others, of the County of Elgin; of William Marsh and others, of the Township of Dorchester, County of Middlesex; of John Mason and others, of the County of Elgin; of the Reverend John Corbett and others, of the County of Ottawa; of D.W. Rowland and others, of the County of Elgin; of Alexander Ross, junior, and others, of the Township of Eldon, in County of Victoria; of James McIntyre and others, of the County of Renfrew; of O.G. Collamore and others, of the Township ((of)) Sombra, in the County of Lambton; of John Brierly and others, of

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the County of Middlesex; of Andrew Hossie, senior, and others, of the Township of Moore, County of Lambton; of John Graham and others, of the County of Huntingdon; of James Reid and others, of the Township of Sombra, County of Lambton; of John McGregor and others, of the County of Kent; of James J. Teeple and others, of the County of Elgin; of John Watson, A.M., and others, of the County of Huntingdon; of James Gordon and others, of the County of Huron; of the Reverend W. Graham and others, of the County of Huron; of Archibald Dickson and others, of the County of Huron; of A. Pritchard and others, of the County of Ottawa; of Duncan S. McLaren and others, of the County of Lambton; of John McKay and others, of the County of Grey; of Robert Gibbons and others, of the County of Goderich; of John Palmer and others, of the Township of Sombra, County of Lambton; of the Reverend Matthew Bar and others, of the Township of McKillop, County of Huron; of Thomas Falconer and others, of the County of Peel; of Robert Blackwood and others, of the County of Elgin; of D. McPherson and others, of the County of Elgin; of R.H. Travers and others, of the County of Elgin; of J. Hyde, M.D., and others, of the County of Perth; of James H. Dunsin and others; of Alexander Grant and others, of the County of Perth; of Philip Bogart and others, of the County of York; of Thomas Playter and others, of the West Riding of the County of York; of James Kavanagh and others, of the County of York; of Georges Hughes and others, of the County of York; of W.W. Walker and others, of the County of Peel; of Thomas Henry, M.D., and others, of the County of Peel; ((of)) William Ward and others, of the County of Peel; of Samuel G. Ogden and others, of the County of Peel; of John Watson and others, of the County of Peel; of W. McDonald and others, of the County of Peel; of T. Baxter and others, of the County of Halton; of John Heslop and others, of the County of Wentworth; of John Barber and others, of the County of Norfolk; of Hugh Matheson and others, of the County of Bruce; of John McIntosh and others, of the Townships of Arthur and Garafraxa, in the County of Wellington; of John L. Shell and others, of the Township of Markham, in the County of York; of Joseph Burrows and others, of the Counties of Brant and Waterloo; of William Bethune and others, of the Township of Walpole, in the County of Haldimand; of Horace Capron and others, of the County of Brant; of David Smellie and others, of the Townships of Vaughan and York, in the County of York; of John Doner, junior, and others, of the Township of Markham, in the County of York; of John Kirk, M.D., and others, of the County

of Haldimand; of Jacob Williams and others, of the Township of Markham, in the County of York; of John McKenzie and others, of the Township of Markham, in the County of York; of James Burgess and others, of the County of York; and of G.M. Butchart and others, of the County of Grey; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of the Municipal Council of the County of Wellington; praying that the 8th section of the Act 14 & 15 Vic. cap. 5, intituled, "An Act to make certain alterations in the Territorial Division of Upper Canada," may not be repealed.

Of the Coldstream Division, No. 212, of the Order of the Sons of Temperance; of the Mun((i))cipality of the Township of Whitby; and of George Rickey and others, of Long Island, on the Rideau River; praying for the passing of a Prohibitory Liquor Law.

Of the Reverend F. Perrault and others, of the Parish of St. Clément de Beauharnois; praying for an aid for the Académie de Beauharnois.

Of Norbert Béliveau, of the Parish of St. Grégoire, County of Nicolet; representing that in December, 1849, he was appointed by the Municipal Council of the said County to assess certain property in the Parish of St. Grégoire, and

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that on the twenty-sixth of January following, all his outbuildings, grain and cattle, to the amount of 375L were destroyed by Incendiaries in consequence of his having made the said assessment; and praying compensation.

Of the Reverend A.C. Leclerc and others, of St. Edouard de Gentilly and other places; praying for an aid to build a Wharf at the mouth of the River Gentilly, and to deepen the said River.

Of A. Poudrier and others, of the Parish of St. Pierre les Becquets; of Joseph Frichette and others, of the County of Berthier, Censitaires; and of Jacques Courchainé and others, of the Parish of St. Cuthbert, County of Berthier; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of D.E. Boulton, Mayor, and others, of the Town of Cobourg; praying for an aid to enlarge and repair the University of Victoria College.

Of the Cobourg and Peterborough Railway Company; praying for the passing of an Act to authorize them to construct a Branch Road from some point on their line of Railway to the Marmora Iron Works.

Of the Reverend A. Beaudry and others, ((of)) St. Etienne de La Malbaie, County of Saguenay; praying that Antoine Guay, the late Deputy Returning Officer at the last General Election for the said County, may not be further proceeded against by the House.

Of the Municipality of the Township of Whitby; and of the Municipal Council of the County of Ontario; praying that the boundary lines of lots and parts of lots in this Province may be better defined by Law.

Of J.A. Roy and others, of the Parish of St. Arsène de Kakouna; praying for an aid for the construction of Roads in the said Parish.

Of the Mechanics' Institute and Scientific Association of L'Orignal; praying for an aid.

Of the School Commissioners of the Parish of St. Jean, County of Montmorency; praying for an aid.

Of the Reverend J.L. Marceau, Curé, and others, of Ste. Cécile Du Bic, County of Rimouski; praying for an aid for the construction of a School House.

Of Molsons Bank of the City of Montreal; praying for an Act of incorporation, and for power to increase the Capital Stock of the said Bank.

Of James Egan, of the City of Montreal, Contractor; praying that an inquiry be instituted with respect to Tenders for the deepening and widening of the Rock Cut of the Lachine Canal, in February last.

Ordered, That the Petition of the Municipal Council of the County of Wellington, relating to the Territorial Division Act; and the Petition of Thomas Lloyd and others, Clerks of Division Courts for the County of Simcoe, be printed for the use of the Members of this House.

Ordered, That the Petition of Thomas Lloyd and others, Clerks of Division Courts for the County of Simcoe, be referred to the Select Committee to which was referred the Bill to extend the Jurisdiction of the Division Courts in Upper Canada.

Ordered, That the 62nd Standing Rule of this House be suspended as regards a Bill to remove doubts as to the power of the Ontario, Simcoe, and Lake Huron Union Railroad Company constructing a Branch line into the Town of Barrie.

Ordered, That Mr. Angus Morrison have leave to bring in a Bill to remove doubts as to the power of the Ontario, Simcoe, and Lake Huron Union Railroad Company constructing a Branch line into the Town of Barrie.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

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The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to determine the course of the division or side lines of the Lots in certain Concessions in the Township of Smith, and also, the Bill to determine the manner in which the division or side lines of the Lots in the Township of Wolfe Island shall be drawn; and they have agreed to report the said Bills without amendment.

Your Committee have also examined the Bill to incorporate the Niagara District Bank, and have agreed to several amendments, which they have the honor to submit for the consideration of Your Honorable House.

Ordered, That the Bill to incorporate the Niagara District Bank, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Mr. Mackenzie, from the Standing Committee on Public Accounts, presented to the House the Fourth Report of the said Committee; which was read.

For the said Report, see Appendix (J.J.)

Ordered, That the Third and Fourth Reports of the Standing Committee on Public Accounts, and the Evidence, be printed, with four extra copies for each Member of this House.

Ordered, That the Bill to determine the course of the division or side lines of the Lots in certain Concessions in the Township of Smith, be read the third time To-morrow.

Ordered, That the Bill to determine the manner in which the division or side lines of the Lots in the Township of Wolfe Island shall be drawn, be read the third time To-morrow.

Ordered, That Mr. Chisholm have leave to bring in a Bill to incorporate the Hamilton and South-western Railway.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Resolved, That a Message be sent to the Honorable the Legislative Council, requesting permission for the Honorable Etienne P. Taché, one of their Members, to appear and give evidence before the Standing Committee on Public Accounts.

Ordered, That Mr. Mackenzie do carry the said Message to the Legislative Council.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to repeal the Act confirming a certain allowance for Road in the Township of Monaghan.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Mr. Alfred Patrick, Chief Clerk of Committees and of Controverted Elections presented, pursuant to Order, the Minutes of Evidence taken before the Select Committee on the Lotbinière Election Petition.

Ordered, That the said Minutes of Evidence be printed for the use of the Members of this House.

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Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to provide means for the sale of Lands held for the purposes of Educational Institutions in Upper Canada, when such Lands cannot be conveniently used for such purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

The Order of the House of yesterday, for the attendance of William Frederick Powell, Esquire, in his place in this House this day, being read; and Mr. Powell attending in his place;

Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That William Frederick Powell, Esquire, being a Member of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Montmagny, and not having been present within one hour after the time appointed for the meeting of the Committee, yesterday, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at-Arms attending this House, informed the House, That he had taken William Frederick Powell, Esquire, into his custody.

Whereupon Mr. Laberge acquainted the House, that he was desired by Mr. Powell to state, That he was absent from the meeting of the Committee appointed to try the Contested Election of the County of Montmagny, of which he is a Member, yesterday, in consequence of being called away from the City of Quebec by his private business; and the same having been verified upon Oath by Mr. Powell;

Ordered, That William Frederick Powell, Esquire, be discharged out of custody, without payment of Fees.

The Order of the day for the third reading of the Bill to amend the Port Dalhousie and Thorold Railway Act, by extending the said Road from Thorold to Port Colborne, and for other purposes, being read;

Ordered, That the Bill be read the third time on Thursday next.

On motion of MR. YOUNG, the Bill to Incorporate the Montreal Locomotive Manufacturing Company, was read a third time.²

On the question that it do now pass,

MR. HOLTON moved an amendment that the words "or otherwise" be struck out of the 8th line of the first clause.³ ((He)) said that the honorable member for Argenteuil had found fault with him for obstr((u))cting the passage of this bill. From the first introduction of the bill he (Mr. Holton) was opposed to it. It was founded upon a mistaken principle of mercantile legislation.⁴ He considered (sic) it wrong to incorporate parties with limited liability to carry on any kind of business in which private individuals were engaged, and his amendment would have the effect of restricting the Company to the manufacture of locomotive engines, railway cars &c., which perhaps required more capital than private individuals could command. He thought this was a point on which the Government should express an opinion.⁵

MR. AT. GEN. DRUMMOND concurred in the remarks of the hon. member for Montreal. It was true that the construction of cars and locomotives required a capital larger than individuals could usually command, but there was a vagueness in the word "otherwise" which was objectionable. It would not do to allow a monopoly of manufactures, but he would even go so far as to say that the bill admitted of the interpretation put upon it by the hon. member for Montreal.⁶

MR. YOUNG said the intention of this company was chiefly to manufacture (sic) locomotive engines, and steamboat engines; but they would require for this purpose very expensive machinery--for example a steam trip hammer which would cost 5000L, and they would employ about 80 or 90 men. Now if they were to be confined to making locomotive engines they would not have business enough for such an establishment, and to strike out the word otherwise was in effect to destroy the whole bill since it would be useless without it.⁷

MR. BELLINGHAM was unaware that the honorable member for Montreal (Mr. Holton) intended opposing the bill.⁸ Mr. Holton had sometime ago put upon record his desire to encourage all Canadians as distinguished from European enterprizes. He was therefore surprised that he should oppose this peculiarly Canadian enterprize.⁹ He referred to a letter written by Mr. Holton some time ago in support of his statement. This was purely a Colonial enterprise¹⁰. The truth was a great advantage was to be hoped to the country from it, as it was

found to be cheaper to build locomotives than to import them. The only privilege sought for was limited liability, and that might be obtained under the existing law, with the exception, that under that law the managing partner was fully responsible. Every body who felt aggrieved by this bill might go into a limited partnership with that sole condition.¹¹ Mr. Holton wanted to favor his friends by moving this amendment in which he hoped the House would not concur.¹²

MR. HOLTON regretted the use of the term friends. It was because he believed that a principle of commercial legislation was involved, and on that point alone he proposed the amendment. He was willing the company should be incorporated; but that they should have a privilege which would in effect shield them from liability which other partnerships were liable to, was that to which he objected. It was not fair towards the other men in business, and there were at least six establishments in Montreal¹³ which ought not to be injured by a number of gentlemen of fortune investing sums of 200L or 300L each, and risking only those sums, while their competi((t))ors risked their whole fortunes. He repeated that he had no objection to incorporate the company to manufacture locomotives; but he did object to¹⁴ giving this company a preference in being blacksmiths, boat builders, &c.¹⁵ At present there was abundant competition in the manufacture of all sorts of machinery by private enterprise, with the solitary exception of railway locomotives.¹⁶

MR. BELLINGHAM.--Competition in business would benefit the public, and the benefit of the people was the object of all corporations.¹⁷

MR. AT. GEN. DRUMMOND was struck with the vagueness of the expression, "or otherwise." There could be no objection, he thought, to allow them the right to build engines for steamboats and mills; but he would not be for giving them a preference in trade which other Companies did not enjoy.¹⁸

MR. FERRES could see no objection to the bill, for if there were private parties able to compete with this company there could be no danger whatever from the bill, because it was well known that when private persons competed with public companies the latter were always at a comparative disadvantage.¹⁹ An establishment of this description required a very heavy outlay, and machinery might be manufactured not now in existence. The expression, "or otherwise," was, he considered, sufficiently limited by the sixth clause, which²⁰ limited the business to making things required for locomotives and steam engines. That was the enacting part of the bill, and not the preamble.²¹

MR. J. MORRISON observing that the 6th clause of the bill allowed the company to make anything required for locomotives and steamboats²², believed the expression was not limited, but as wide as it could possibly be. They could make machinery of any kind: they might build a distillery, brewery,²³ furniture or upholstery, it would all be for steamboats. He would oppose the bill on these grounds.²⁴

MR. MERRITT thought the objections of Mr. Holton applied to the whole principle of limited partnerships, and as he was in favor of that principle he would support the bill. He (Mr. M.) said the limited partnership was a different thing from the incorporation proposed by this bill, for there was under the

limited partnership some one who was responsible to the extent of his means. There were in Montreal already a number of establishments employed in making marine engines, which had succeeded very well so far in making all that were required. Was it fair then to raise up a competition to these persons from a company with limited liability. The question now was whether all parties were to have this privilege of limited liability ..., for if you give the privilege to two or three persons you must give it to one. He could see no difference.²⁵

MR. A. DORION (Montreal) contended that by the Bill the Company was not bound to manufacture a single locomotive, but might manufacture things now manufactured by other Companies in Montreal, although this Bill gave them a privilege which those Companies could not have. Each of the acting partners in a co-partnership was liable to the whole amount of the debts of the partnership; whereas shareholders in this Company would only be bound to the extent of their shares.²⁶

MR. YOUNG at the suggestion of the Government, then moved an amendment which he hoped would meet the views of all parties. It was to the effect that the words "or otherwise" be struck out, and the following added, "for steamboats, or mills, or other factories," and that a similar amendment be made on the 6th clause.²⁷

MR. HOLTON did not wish to prolong the discussion²⁸. ((He)) said the amendment just left the Bill where it was. He regretted that the Government had taken the responsibility of affirming what he conceived to be a dangerous principle of legislation, and desired the sense of the House to be taken on it.²⁹

(833)

A Bill to incorporate the Montreal Locomotive Marine and Steam Forge Works Company, was, according to Order, read the third time.

Mr. Holton moved, seconded by Mr. Antoine Aimé Dorion, and the Question being proposed, That the words "or otherwise" in the Preamble of the Bill, line 8, be left out;

The Honorable Mr. Young moved in amendment to the Question, seconded by Mr. Ferres, That the following be added at the end thereof: and the words "for Steamboats, or for Mills or other Factories" inserted instead thereof; and that the words "Machinery of any kind" be left out of the 6th Clause, and the words "for Mills or other Factories" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(833-834)

YEAS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bowes, Brodeur, Bureau, Cartier, Casault, Cayley, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crysler, Daly, Jean B. Daoust, DeLong, Dionne, Dostaler, Dufresne, Felton, Fergusson, Ferres, Ferrie, Foley, Fournier, Gill, Guévremont, Jackson, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Roderick McDonald, Mackenzie, McCann, Masson, Matheson, Merritt, Mongenais, Angus Morrison, Niles, Poulin, Rankin, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Terrill, and Young.--(54.)

(834)

NAYS.

Messieurs Aikins, Brown, Burton, Cameron, Chabot, Christie, Charles Daoust, Darche, Desaulniers, DeWitt, Antoine A. Dorion, Thomas Fortier, Frazer, Gould, Hartman, Holton, Jobin, Langton, Lumsden, John S. Macdonald, Marchildon, Mattice, Joseph C. Morrison, Munro, Papin, Patrick, Pouliot, Prévost, Rhodes, Robinson, Sanborn, Sidney Smith, Stevenson, and Wright.--(34.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the words "or otherwise" in the Preamble of the Bill, line 8, be left out, and the words "for Steamboats, or for Mills or other Factories" inserted thereof; and that the words "Machinery of any kind" be left out of the 6th Clause, and the words "for Mills or other Factories" inserted instead thereof.

MR. HOLTON then stated that the 3rd clause allowed any Railway or Mining Company to take stock in this company. That was most dangerous, and³⁰ he considered it very wrong that such companies should be allowed to divert their capital to purposes wholly foreign to their organization.³¹

MR. YOUNG ... expressed his assent³².

The amendment was unanimously agreed to³³.

(834)

On motion of Mr. Holton, seconded by Mr. Antoine Aimé Dorion, the Bill was further amended by leaving out the words "any Railway, Mining, or Manufacturing Company" in the first line of the 3rd Clause.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Montreal Locomotive, Marine, and Steam Forge Works Manufacturing Company."

Ordered, That the Honorable Mr. Young do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. CAMERON,³⁴

(834)

A Bill to amend the Act incorporating the Toronto Athenaeum, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend an Act to incorporate the Toronto Athenaeum."

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council do give leave to the Honorable Charles Wilson, one of their Members, to attend and be examined before the Special Committee of this House appointed to inquire into charges against Members of the late Administration, if he thinks fit: And also,

The Legislative Council do give leave to the Honorable Etienne P. Taché, one of their Members, to appear and give evidence before the Standing Committee of this House on Public Accounts, if he thinks fit.

And then he withdrew.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to incorporate the Saint Francis Bank, being read:

(835)

Mr. Terrill moved, seconded by Mr. Dufresne, and the Question being proposed, That the Report be now received;

MR. TERRILL ... dit qu'il a tâché de le rendre conforme à toutes les objections qui ont été soulevées contre lui, et il espère qu'il sera adopté sans opposition.³⁵

MR. MACKENZIE could not suffer concurrence to be given to the Report without having the opportunity of saying "Nay." He did not like the Bill, and hoped that some one would join him in asking for the yeas and nays.³⁶

MR. INSP. GEN. CAYLEY moved that the bill be referred back to a Committee of the whole, to be amended in such a manner as to make it conform to the bill to incorporate the Sherbrooke Bank which was passed a few days ago. That was to make the Stockholders pay up the whole amount of 250,000L, the capital stock of the Company within five years.³⁷

MR. TERRILL hoped that the honorable Inspector General would state the manner in which he wanted the bill to be altered. He was beyond measure, surprised at the attempt to defeat his bill after having had reason to believe that he had so shaped it as to meet both the wishes of the government and of the gentlemen who were ordinarily considered the leaders of the Opposition. He had gone to much trouble and had submitted to considerable delay in suffering his bill to be amended so as to suit the views of the government, and as it had been opposed now after it had gone through Committee, it would be but fair for the honorable Inspector General to point out in detail the nature of his amendments. He knew well why this bill was opposed. The bank was not wanted by the government. They wanted to put a country bank on the same footing as a Toronto bank. In the attempt to destroy this bill, to which his constituents attached great importance, neither the spirit of justice nor the principle of right was exhibited. If the honorable Inspector General intended to defeat this bill for a bank in Stanstead, he would, to use a vulgarism only say, that he had been "wagged" along. Having found that he could not by any possibility carry forward his bill without the assistance of the government, he had looked about him for that assistance. And that there should be no difficulty about the matter he begged that his friend the honorable Inspector General would take the bill home, look over it, and make any suggestions he thought proper. And the honorable gentleman did take it. The bill was carefully looked over, and with the help of the honorable Attorney General West³⁸ ((OR)) the Solicitor General (W.)³⁹ and the Law Clerk, was returned to him amended. Under such circumstances, was he wrong in saying that he had been "wagged" along. The clause to which the government objected was in their own words. He was not aware of the terms on which the honorable member for Sherbrook had consented to take such a bill as he had taken. Whatever it might be worth to the people of Sherbrook, to him and to his constituents a similar bill would not be worth anything. He would rather be defeated--he would rather lose the name of having carried through his measure than take a charter like that obtained by the member for Sherbrook to his constituents.⁴⁰ He would rather fail in endeavouring to obtain what he thought

right than succeed in that which when obtained would be useless, as he thought a Bank requiring to pay up 250,000L in five years would be in a country district. The truth was that the opposition to the measure came from those who wanted to prevent the bank from being established, in the interest of the large banks.⁴¹ He was greatly surprised at the turn of affairs. He had expected better things from the Inspector General and his colleagues, who had an understanding among themselves. The sense of the House he hoped would be expressed with regard to whether it was necessary to pay up not 10,000L but 20,000L before commencing business. He was told that it was necessary to adopt the language of the Montreal Bank Charter, and to have allocation before a bank in his or any other county could be established. It was a delusion--it was a deception--he had been "wagged" along not to get the meat but defeat. There was a member of the government, who strongly supported him in 1853. The honorable Commissioner of Crown Lands gave him efficient support and adduced strong reasons in favour of such a bank charter as he desired. He then proposed to commence with twice the sum.⁴²

MR. LANGTON.--That's the reason the honorable Commissioner has changed his mind.⁴³

((MR. TERRILL:)) Oh! he had asked for too small a sum. Was it because the Montreal Bank could use or required a capital of 3,000,000L that a county bank must have the same? Than the present course of the government, it would have been infinitely more satisfactory to him if the stand had been taken that bills such as his were not to obtain government support. He had not been treated as he had a right to expect he would have been treated, considering the manner in which he had been up to this time "hedged" about (laughter.) The hon. member for Toronto laughs! He was neither surprised nor amazed. The hon. member for Montreal only delighted in seeing people in a fix. And Lambton laughed too! He did expect support from him, and no doubt would obtain (sic) it under present circumstances. He attached great importance to the measure. And he was told--what? To go. He was told to go and get the required capital paid up. He was forced either to take the responsibility of his position or be sold, while it was but right that he should be honestly and fairly dealt with. (Ironical cheering).⁴⁴

MR. INSP. GEN. CAYLEY had listen((e))d with great pain to the remarks of his honorable friend. He did not think himself chargeable with a desire to defeat the measure. On the contrary he had taken every effort in his power to assist the member for Stanstead in maturing his measure. He thought the condition((s)) should be the same for all these private Banking establishments, and the proposition of his honorable friend was that the Bank at St. Francis should be permitted to commence business with 25,000L whole, and 100,000L had been exacted in the condition of incorporating a Bank of a similar kind at Sherbrook. With a view to meeting the views of the member for Stanstead, he (Mr. Cayley) had got Mr. Weekstead⁴⁵ ((OR)) Mr. Wickstead,⁴⁶ the Law Clerk, to substitute for the language of that of the Bank of Montre((a))l Charter. When Mr. Galt had introduced his bill, there were several objectionable clauses, which that honorable gentleman, at the request of the House, permitted to be struck out. A similar course must be adopted with Mr. Terrill's Bill. It would not do to inflict conditions on one gentleman not inflicted upon others. He thought it highly

expedient to adopt a regular system, so that all Banking establishments hereafter applying to the Legislature for a charter should be compelled to subscribe a regular basis.⁴⁷

MR. BROWN entirely concurred with the Hon. Inspector General. He thought it absurd that the Banks should be chartered on so loose a basis, and with so small a capital. The whole amount would be swallowed up in paying clerk's salaries.⁴⁸

MR. MACKENZIE did not think the hon. member for Simcoe should support the administration. He (Mr. Mackenzie) remembered when that Honorable Inspector General had sought stockholders for a Bank in Toronto, the capital of which was only 10,000L.⁴⁹

MR. AT. GEN. J.A. MACDONALD.--If there was one subject more than another, on which the House were almost unanimously agreed, it was that of banking. With regard to the granting of bank charters, it was the same thing. The bills of all the Canadian banks were equally good, and were received the same as gold; and if it has been so, he thought it was by the steady resistance to anything approaching to the system of banking adopted across the line. It was understood that the bill of the honorable member for Sherbrook, and other bills, were to be made alike, and a fixed policy come to: the maximum and minimum of capitals were fixed; and by the adoption of the Sherbrook bill, this House fixed its policy.⁵⁰

MR. FELTON regretted to differ with the Hon. Inspector General. The bill of the hon. member for Sherbrook was worthless. But, setting that matter aside, he believed that a capital of 100,000L was not less safe than a capital of 250,000L.⁵¹

MR. HOLTON in reply to what Mr. Terrill had said about the uselessness of the Sherbrook Bank Charter, stated that though the member for Sherbrooke had attempted to obtain far more easy terms, and although he might be mistaken in his expectations, that gentleman did expect⁵² ((OR)) did not expect⁵³ that the charter of the Sherbrooke Bank would be rendered available.⁵⁴

(835)

The Honorable Mr. Cayley moved in amendment to the Question, seconded by the Honorable Mr. Attorney General Macdonald, That all the words after "That" to the end of the Question be left out, and the words "the Bill be re-committed to a Committee of the whole House, for the purpose of further amending the same" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Blanchet, Bowes, Brodeur, Brown, Burton, Cartier, Casault, Cayley, Cook, Daly, Darche, Delong, Dionne, Antoine A. Dorion, Attorney General Drummond, Ferres, Fournier, Hartman, Holton, Langton, Larwill, Lemieux, John S. Macdonald, Mackenzie, Sir A.N. MacNab, McCann, Meagher, Joseph C. Morrison, Munro, O'Farrell, Papin, Patrick, Pouliot, Solicitor General Ross, Sanborn, Solicitor General Smith, Sidney Smith, Spence, and Young.--(40.)

NAYS.

Messieurs Alleyn, Bell, Biggar, Chabot, Chapais, Chauveau, Clarke, Jean B. Daoust, DeWitt, Dufresne, Felton, Ferrie, Foley, Octave C. Fortier, Frazer, Gill, Gould, Guévremont, Marchildon, Mongenais, Poulin, Prévost, Robinson, Scatcherd, Somerville, Stevenson, Terrill, and Turcotte.--(28.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be re-committed to a Committee of the whole House, for the purpose of further amending the same.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;

MR. INSP. GEN. CAYLEY moved, in amendment, that the capital of the bank be raised to 250,000L, and that the whole shall be paid within five years by yearly instalments.⁵⁵

MR. TERRILL⁵⁶ opposed the amendment proposed by the Inspector General on similar grounds to those urged previously. He contended there was no greater safety in a bank with a large capital than in one with a small one if each were equally well managed. He would rather be defeated struggling for that which he believed would be of service to his constituents than to accept an amendment which would make this charter like that of the Eastern Townships bank utterly useless to those applying for it. If the amendment were carried he should abandon the measure. The honorable gentlemen who supported the amendment urged the excellence and soundness of the present great banking institutions of the country and the apprehended danger from creating small institutions. Why they had been told that the Bank of Upper Canada commenced business on a capital stock of but 25,000L, and the effect of fostering these great institutions and preventing the formation of smaller ones was to create a monopoly in favor of the former, and to build up the commerce of the great towns at the expense of the country parts. Now Stanstead people were compelled to go 100 miles to Montreal ((t))o get accommodation (and they would not get it there without a town endorser known to the banks) or across the line into the United States. In one case they were at the cost of the journey, with a chance of refusal, and another journey to pay their paper at maturity with a chance of having their way blocked up by a snow storm and having it dishonored; in the other they had to take American bills subject to a discount in Canada, and pay a premium again often to get current American money to meet their bills with at maturity. They had applied repeatedly to the Parliament of Lower Canada and Upper Canada for a charter for a bank and had always been refused. In consequence of these refusals, some of them had joined with some of the people of⁵⁷ Derby, Vt.,⁵⁸ and had obtained a charter from the Vermont Legislature under which they had commenced business with a paid up capital of \$50,000 and had done a safe and profitable business. The banks of that State, and each county had one or more, with small capitals and a local business--were as safe as the Canadian banks. But they were told they might organize a bank under the free banking act; but that would not suit them as it evidently did not suit those who had already worked banks under it. The member for Lincoln who had established the St. Catherines bank under it, was now applying to get a charter similar to that he had applied for and the Messrs. Molsons of Montreal, were doing likewise. The chartered banks were permitted to do a business considerably over their capital, but the free banks under. They must

first purchase Government debentures for 100,000L, and then secure 30,000L of specie to get bills registered for 100,000L. If the Government had determined to keep all new institutions to the free banking law, and adhere strictly to that, he could understand that course, but he could see no reason or justice in compelling one locality to subscribe for a larger capital than they wanted because another locality thought they would be able to raise it.⁵⁹

MR. CHABOT contended also that the country parts should be given banks with capitals in accordance with their wants. Their safety consisted more in the restrictions of the law and in the management than in the amount of capital. The evils which had resulted from the banking system followed in several of the states, was rather because of a too great capital being forced into circulation and badly managed than because the banks had too little capital.⁶⁰

MR. BOWES thought it absurd to force a community to subscribe a larger capital than they wanted or could use advantageously before they could have banking facilities. A portion of it must be idle and unprofitable, or be forced into unsafe hands.⁶¹

MR. FERRIE and MR. MERRITT⁶² ((OR)) MR. DEWITT⁶³ spoke against the amendment⁶⁴.

MR. INSP. GEN. CAYLEY, MR. CAMERON, MR. YOUNG, MR. HOLTON, and others ... contended ... that the usefulness and stability of the present banking system of Canada, which had now the very highest reputation at home and abroad, and which drew investments of large amounts of foreign capital, would be impaired if these banks with small capitals were established throughout the country.⁶⁵

MR. INSP. GEN. CAYLEY also went into a history of the several small banks heretofore established in Canada which had resulted disastrously, and shewed how much evil the system had caused in the State of N.Y. and other States.⁶⁶ ((He)) urged ... that the history of banking in New York and other of the United States shewed the instability of banks with such small capital, and spoke of Henry's Bank at Sorel, the Farmers' bank at Toronto, and others in Canada, as illustrating the same principle. The banks already existing in the country with large capitals had acquired a reputation second to none in the world, and through them we secured the use of a large amount of capital from abroad. If banks of the kind sought for were incorporated here it would shake the confidence of foreign capitalists in our banking system and injure the commercial interests of the country. If small banks were allowed at all it must be under some such system as that provided by the free banking act giving government a direct control over their issues.⁶⁷

The alterations in the 4th clause were agreed to by a majority of 49 to 19.⁶⁸

(835)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dufresne reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Thursday next.

The Order of the day for the House in Committee to take into consideration certain Resolutions on the subject of a Canal to connect the St. Lawrence with Lake Champlain, being read;

Ordered, That the said Order of the day be postponed until Monday next.

On motion of DR. FRAZER,⁶⁹

(835)

The House, according to Order, resolved itself into a Committee on the Bill to incorporate certain persons under the style and title of the President, Directors, and Company of the Fort Erie Canal Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Ferrie reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Thursday next.

(836)

The Order of the day for the House in Committee on the Bill to authorize the County of Middlesex to negotiate a Loan of One hundred thousand pounds to consolidate the County Debt, being read;

Ordered, That the said Order of the day be postponed until Thursday the twenty-sixth instant.

The Order of the day for the second reading of the Bill to confer a Charter on the Millers' Association of Canada West, with Banking privileges, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Port Burwell Harbour Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That all the Petitions relating to the Port Burwell Harbour Company, presented during the present Session, be referred to the Standing Committee on Miscellaneous Private Bills.

On motion of MR. CAMERON, in absence of Mr. Morrison, (Niagara) the House went into committee on the Bill to incorporate the Toronto Coal Company⁷⁰, Dr. Clark in the chair.⁷¹

MR. INSP. GEN. CAYLEY asked if the Company would undertake to keep a constant supply of coal, because they would throw other dealers out of the field.⁷²

MR. CAMERON believed that that assurance could be given. It was now intended to make the capital 100,000L instead of 50,000L, and to ask powers to the company to deal in plaster as well as coal. The fear that the effect of establishing such a company, would be to enhance instead of diminishing the price of coal, he believed was unfounded. This was proved by the fact that during the present winter, when the persons engaged in the formation of the company ceased their operations on account of its being doubtful whether the Act would pass the Legislature, and when their stock of coal was exhausted, the price in Toronto rose at once from \$5½ to \$10 per ton.⁷³

MR. INSP. GEN. CAYLEY, and MR. SOL. GEN. H. SMITH, could not consent to allow a large Company with a large capital to deal in coal to the prejudice of small traders, and, in fact, to monopolize the trade.⁷⁴

MR. SOL. GEN. H. SMITH thought it would be a very dangerous principle to establish such a company with limited liability, to the prejudice of the fair dealer. Nor would the poor be benefitted (sic), for the Company having driven other dealers from the field, would be able to impose whatever price they pleased.⁷⁵

MR. CAMERON was of opinion that similar Companies had been incorporated, and that the effect of the incorporation would be to lower prices. It was for a benevolent purpose.⁷⁶

MR. AT. GEN. J.A. MACDONALD said that the Association would break down coal dealers, and Companies should not be encouraged to the prejudice of private dealers. The larger the capital employed the greater would be the danger of giving a monopoly.⁷⁷ If the object of the company was a purely benevolent one, they did not require an act, but could carry on operations through trustees, importing coals and selling them to the poor at wholesale prices.⁷⁸

MR. HOLTON agreed with the Government, but regretted that the Statute Book should be defaced with antagonistic legislation, as in the case of the Montreal Locomotive Manufacturing Company.⁷⁹

MR. MACKENZIE could see no necessity for this company.⁸⁰ The Hon. John Hilyard Cameron & Co., Coal Merchants, would tuck it on. They were not to be trusted. He did not like united partnerships.⁸¹ He was opposed to all monopolies, giving companies powers to carry on business, so as to drive private individuals out of it, a thing with which England had long been cursed, until it swept all such monopolies away.⁸²

MR. CAMERON.--The hon. gentleman is very inconsistent in taking that ground now, after having this afternoon voted for a bill which will enable a Montreal company, not only to make locomotive engines, but horse shoes, tacks, and ten-penny nails.⁸³ The Statute Books were covered with laws similar to this, and he could not see why his coals should not be incorporated to raise the steam for the Montreal locomotives.⁸⁴ I am surprised that an hon. gentleman, with an experience of 76 years, should show so much fickleness.⁸⁵

MR. MACKENZIE.--I was only 60 on the 12th of last March. (Laughter.)⁸⁶

MR. BOWES showed that the rich could supply themselves with coal when it was cheap, in the summer, while the poor could not; and that this Bill was entirely for the advantage of the latter.⁸⁷

MR. MACKENZIE said that the great British Tea Company was established with the same view.⁸⁸

MR. MERRITT ((spoke.))⁸⁹

After some further conversation, the bill was disposed of by a motion that the committee do now rise, which was carried by 22 to 6.⁹⁰

(836)

The House, according to Order, again resolved itself into a Committee on the Bill to incorporate the Toronto Coal Company; and after some time spent therein, Mr. Speaker resumed the Chair.

MR. BOWES moved the House into committee on the bill to incorporate St. Michael's College, Toronto.⁹¹

MR. MACKENZIE.--You should not take advantage of Mr. Brown's absence to go on with this bill.⁹²

The House having gone into committee,

MR. BOWES stated that the principle of this bill had been affirmed by the House in the early part of the session, by passing the Masson College act, in which the private bills committee had assimilated this one, by reducing the amount of real estate to be held, to what would yield 1000L instead of 2000L of annual revenue.⁹³

MR. CAMERON said that since this had passed the private bill((s)) committee, the committee had adopted a rule which had been followed during this part of the session, and which was intended to be followed for the future. The rule was that to institutions incorporated for the purposes of education, &c., no powers should be given to hold real estate beyond grounds and buildings necessary for the actual use of the Incorporation. This rule would not prevent them from investing their funds in mortgages on property, but it would prevent them from being the landlords of any property, from holding it in fee simple, except what they required for the use of the Corporation. He would suggest that this bill be altered accordingly.⁹⁴

MR. BOWES could not consent to this, as his bill had passed the Private Bills Committee, before the rule referred to was adopted. Considering that the college was situated in a diocese containing 600,000 inhabitants, he did not think it would have been too much had they been allowed to hold property yielding 2,000L a year, but as Masson College had been reduced to 1,000L, he had agreed that the same reduction should be made in this case. He could not consent, however, to the change proposed by his honourable colleague.⁹⁵

MR. SOL. GEN. H. SMITH considered it a very salutary rule which had been adopted by the Private Bills Committee. (Hear, hear.) He was opposed to those colleges holding any property whatever except for the legitimate purposes of the corporation. Otherwise large tracts of land would get into the hands of religious bodies, so as to retard the general progress, of which they need seek for no better illustration than they had in this city of Quebec. (Hear, hear.) The remark of Mr. Bowes that the bill had passed the Private Bills Committee, before that regulation was adopted, was possessed of no force, for the House ought to deal with the bill on its own merits, as it was now before them. (Hear, hear.)⁹⁶

MR. PROV. SEC. CARTIER said he must take exception to the principle of the rule adopted by the Committee on Private Bills, and also to the argument of the Solicitor General, who, he considered, was in error in stating that the present system had produced abuses in the city of Quebec. He (Mr. C.) was in favour of

allowing the member for Toronto to restore the amount to 2,000L as it originally stood in the bill.⁹⁷

MR. BOWES.--I only want the bill to pass as it came from the hands of the Private Bills Committee.⁹⁸

MR. PROV. SEC. CARTIER said that, at all events, he could see no objection to allowing the college to hold real estate to the amount of 1,000L annually, beyond what they required for actual use and occupation. He could not see any harm that would arise from allowing corporations, religious or otherwise, to hold a certain limited amount of real estate. Lower Canada would not submit to such a rule as that referred to by the learned member for Toronto, (Mr. Cameron) because in Lower Canada they could not see any objection to such corporations holding a certain amount of real estate. If people bequeathed money to such corporations, it might be squandered away, and they required security that it would continue to be applied to the purposes for which it had been bequeathed, by its being invested in real estate.⁹⁹

MR. PRES. EX. COUN. MACNAB could see no objection to this bill. A great many acts of incorporation of the same kind had already passed this House, and he saw no reason why this bill should not pass also.¹⁰⁰

MR. CAMERON.--No one objects to the passing of the bill, and the question simply is whether the real property they shall be allowed to hold shall be reduced to what they require for actual occupation or not.¹⁰¹

MR. PRES. EX. COUN. MACNAB.--That is a question for the consideration of the House, but knowing how many of the Roman Catholic persuasion there are in Toronto, I do not think 1,000L a year at all a large sum.¹⁰²

MR. SOL. GEN. H. SMITH said it was not the amount, but the mode of investing the amount that was in question. (Hear, hear.) Let them invest their funds in Provincial Securities.¹⁰³

DR. CLARKE thought it would be very unfair to compel them to invest in Provincial Securities. If he was to leave property to such an institution, he would feel it would be much safer invested in land than in debentures.¹⁰⁴

MR. CAMERON.--We do not wish to compel them to invest in Provincial Securities. They may invest in mortgages or real estate, or any other security they choose, provided they hold no real estate in fee simple, except their own grounds and buildings, so as to have any claims over tenants.¹⁰⁵

MR. COM. CR. LANDS CAUCHON was astonished to hear the hon. member (Mr. Cameron) insisting on that principle, because all along he had been on the other side of the question when such matters were under discussion. He (Mr. Cauchon) believed there was no harm at all in the present system, but that on the contrary it would evidence a very bad state of feeling if the rule adopted by the Private Bills Committee were sustained by the House. This was a new country, and although few people could give money, many might give 100 acres of land, comparatively worthless at the time, but which in a few years might

acquire an immense value; and from this system they had seen no harm arise but the reverse. The college of Quebec educate forty-four children, giving them board and education for nothing; and the highest amount charged for education in any college in the country was 17L 10s. a year. And how were they enabled to furnish education in this way, but that people perhaps hundreds of years ago gave them property of little value then, but of great value now. He was astonished to hear the Solicitor General for Upper Canada express such opinions as he had done to-night, when there was not a single instance in which he could show that the country had suffered by the present system.¹⁰⁶

MR. PRES. EX. COUN. MACNAB.--And he has done the same thing himself this session in the case of the College Masson.¹⁰⁷

MR. CHISHOLM said he would tell the Commissioner of Crown Lands (Mr. Cauchon) what injury was produced by the system. For a country like this the relations of landlord and tenant were altogether unsuitable. The landlord wanted to draw as much rent as he could, and the tenant to get as much as possible out of the soil, and between them the progress of the country would be retarded. They had asked the House to take away the fetters of the Seigniorial Tenure, but under this system they sought to establish a tenure far more injurious. (Hear, hear.) The feeling in Upper Canada was decidedly against investing money in this way in land, and one great cry against the Clergy Reserves was, that they were leased and prevented from being improved in the same way as the rest of the country.¹⁰⁸

MR. COM. CR. LANDS CAUCHON denied that the leasing system existed in Lower Canada.¹⁰⁹

MR. LANGTON had listened with much pleasure to the principles enunciated by the hon. and learned member for Toronto (Mr. Cameron) and the Solicitor General West. (Hear, hear.) It marked a decided progress in public opinion (Hear, hear.) He hoped the House would bear out the Private Bills Committee in the very excellent rule they had agreed upon.¹¹⁰

MR. SOL. GEN. H. SMITH, after consultation with his colleagues, rose to make a recantation of the liberal sentiments he had uttered in the previous part of the debate. He said: Mr. Chairman, when I first addressed the committee, I was under the impression that the College Masson was only allowed to hold real estate to the annual amount of 200L. I find that I was mistaken, that I was thinking of the Huntingdon Academy, and that the College Masson is allowed to hold 1000L. The present bill, therefore, is exactly in accordance with that of the Masson College, and it would be an act of injustice, having passed the one bill, not to allow the same provisions in the other.¹¹¹

Cries of oh! oh! from the opposition¹¹².

MR. AT. GEN. J.A. MACDONALD: Hear! hear!¹¹³

((MR. SOL. GEN. H. SMITH continued:)) It would look like a breach of faith if that is not allowed. Therefore, so far from offering any opposition to the present bill, I will waive my objections, considering that during the present session we have passed another exactly the same.¹¹⁴

MR. CHISHOLM said the Solicitor-General forgot that the College Masson was incorporated among a people accustomed to those things, but this was the first attempt to establish anything of the sort in Upper Canada. (Hear, hear.)¹¹⁵

MR. HARTMAN hoped that hon. gentlemen from Lower Canada would not attempt to force on Upper Canada a system to which they must be satisfied the people of Upper Canada were strongly opposed. The Private Bills Committee would allow those corporations to hold whatever lands were necessary for actual occupation and use, and surely that was sufficient. But the present bill authorized the College to hold real property, yielding an annual revenue of 1000L over and above that.¹¹⁶

MR. MACKENZIE.--When John Quincy Adams, President of the United States, visited Quebec, he was waited upon by the Roman Catholic Archbishop and priests. He told them the north and south must eventually separate--that the north must then have Upper Canada, and of course Lower Canada would go along with it. And then, said he, all your conventual and nunnery property, with which you block up the town, will be turned into fine squares and streets. This language made a strong impression at the time on the Bishop and his clergy; and why should they go on, not only perpetuating the same system, but even extending it to Upper Canada? (Hear, hear.) There was nothing they could do that could more tend to make the people of Upper Canada give up the idea of British connection, and throw them into the hands of the States, than the cramming of such things down their throats. They did not want Corporations Sole, such as was raised by this bill, which provided that the Roman Catholic Bishop, himself appointed by the Pope, should appoint successors to the Superior and Professors of the College. The Bishop was everything in the matter. A re-action was sure to come, as had been the case in the United States--of which there was sufficient evidence in the Know-Nothing excitement. Within the last ten days, the Legislature of New York, in view of the arbitrary proceedings of Archbishop Hughes at Buffalo, had passed a bill declaring that no longer should any ecclesiastical corporations Sole be allowed. He warned Lower Canadian gentlemen to beware of raising such a feeling of re-action; for, once roused, it might go too far, as appeared to be the case in the recent proceedings of the Massachusetts Legislature, in regard to the inspection of a Roman Catholic school. He was willing to give the Roman Catholics of Lower Canada everything that was reasonable; but the invasions which had been made on the equal rights of the people of Upper Canada, since their connection with Lower Canada, were many and had been deeply felt. The action of this House on the commutation clause of the Clergy Reserve Act, was an example of this. (Hear, hear.) Throughout this debate, he had been anxious to know which way the Postmaster-General was to go; but he could not hear him say a word about it. He was a remarkably quiet gentleman to-night. (Laughter.)¹¹⁷

MR. POST. GEN. SPENCE made no response to the appeal of Mr. Mackenzie that he should express his sentiments, but continued taciturn.¹¹⁸

MR. SOL. GEN. D. ROSS wished to know, after the solemn decision of this House repeatedly given, on what principle the Private Bills Committee had dared to dictate to this House the course they should pursue in these matters.¹¹⁹

MR. TURCOTTE denied that this Bill introduced a new principle into Upper Canada. The charter of Victoria College allowed them to hold real estate,

yielding an annual revenue of 2,000L, over and above what they required for use and occupation. And the same, he believed, was true of other institutions. Was there any institution of the kind in Upper Canada, he begged to ask, that did not derive an annual revenue from lands?¹²⁰

MR. HARTMAN.--Knox's College.¹²¹

MR. POST. GEN. SPENCE.--Is that chartered? It is a mere school.¹²²

MR. HARTMAN, alluding to the remarks of the Solicitor General East, said that the Private Bills Committee were not reduced to the necessity of taking instructions as to how they should perform their duty, from that gentleman. He was not till now aware that Victoria College was permitted to hold lands beyond what they required for actual occupation, but he could tell the House, that that College had not availed itself of that permission, and in point of fact, held no property, except what was occupied by the institution, and he believed never would. There were only four institutions in Upper Canada, now possessed of such powers, one belonging to the Church of England, another to the Church of Scotland, another to the Methodists, and another to the Roman Catholics.¹²³

DR. T. FORTIER (Nicolet).--Three to one!¹²⁴

MR. HARTMAN.--One apiece, as I understand it.¹²⁵

DR. T. FORTIER.--Three Protestant against one Roman Catholic.¹²⁶

MR. HARTMAN.--Rather one for each denomination. But the people of Upper Canada had set their faces against anything of the kind, and because a bad principle had been introduced they were not to be told that it was to be continued.¹²⁷

MR. O'FARRELL said it was very evident that religious motives influenced the gentlemen who were opposing the Bill as it now stood. He hoped, however, that it would receive the same support as that for the incorporation of Masson College had received, so that it might not be said that there was one law for Upper Canada and another for Lower Canada.¹²⁸

The Bill was then passed through committee, without any amendment.¹²⁹

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The House, according to Order, resolved itself into a Committee on the Bill to incorporate St. Michael's College in the City of Toronto; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gould reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Mr. Bowes moved, seconded by the Honorable Mr. Cameron, and the Question being put, That the Bill be read the third time To-morrow; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bellingham, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chapais, Clarke, Jean B. Daoust, Antoine A. Dorion, Attorney General Drummond,

Thomas Fortier, Gill, Holton, Labelle, Langton, Laporte, Lemieux, Attorney General Macdonald, Sir A.N. MacNab, Marchildon, O'Farrell, Pouliot, Powell, Rhodes, Solicitor General Ross, Solicitor General Smith, Spence, Thibaudeau, and Turcotte.--(31.)

NAYS.

Messieurs Ferrie, Gould, Hartman, and Mackenzie.--(4.)
So it was resolved in the Affirmative.

Then, on motion of Mr. Solicitor General Smith, seconded by Mr. Turcotte,
The House adjourned. 130

APPENDIX: 12 APRIL 1855.

((NOTICE OF MOTION FOR RESOLUTIONS RE: EMIGRATION.))

MR. BELLINGHAM has given notice to move to-day in the House ... a series of Resolutions¹³¹.

Resolved, That in consequence of the want of suitable sheds or buildings where emigrants when landed at Quebec can shelter themselves temporarily from the extreme heat by day and the heavy night dews, vast numbers sicken and die on the spot, while others, attacked with fever, cholera, or diseases of an infectious nature, are cast upon the charities of the large Cities for support, and endanger the health of the communities.

Resolved, That the vessels engaged in the transport of emigrants from the port of Quebec to the Western limits of Canada, are seldom equipped as if intended for the conveyance of deck passengers, having neither upon deck shelter from the inclemency of the weather, or those conveniences essential to the comfort and health of the emigrant, whereby maladies are generated, disease propagated, and the current of emigration diverted into foreign channels.

Resolved, That from the above reasons, it is expedient that the Government do adopt such measures as may remedy the abuses set forth, thereby extending to the emigrants that legalized protection and security to which they are entitled upon principles of justice, humanity and social political economy.¹³²

FOOTNOTES: 12 APRIL 1855.

1. Act 16 Vic. cap. 53 pertains to a Bill granting certain lots, in Bytown, to the Bytown and Prescott Railway Company. This is not relevant to the petition of Thomas Lloyd and others, Clerks of the Division Courts. It is more likely that the Act here listed in the JOURNALS should be Act 16 Vic. cap. 177 which was a Bill to amend the Division Court Act of Upper Canada.
2. GLOBE, 23 April 1855.
3. IBID.
4. TORONTO DAILY LEADER, 20 April 1855.
5. GLOBE, 23 April 1855.
6. HAMILTON SPECTATOR, 21 April 1855.
7. MORNING CHRONICLE, 16 April 1855.
8. TORONTO DAILY LEADER, 20 April 1855.
9. MORNING CHRONICLE, 16 April 1855.
10. TORONTO DAILY LEADER, 20 April 1855.
11. MORNING CHRONICLE, 16 April 1855.
12. TORONTO DAILY LEADER, 20 April 1855.
13. IBID.
14. MORNING CHRONICLE, 16 April 1855.
15. TORONTO DAILY LEADER, 20 April 1855.
16. GLOBE, 23 April 1855.
17. TORONTO DAILY LEADER, 20 April 1855.
18. IBID.
19. MORNING CHRONICLE, 16 April 1855.
20. TORONTO DAILY LEADER, 20 April 1855.
21. MORNING CHRONICLE, 16 April 1855.
22. IBID.
23. TORONTO DAILY LEADER, 20 April 1855.
24. MORNING CHRONICLE, 16 April 1855.
25. MONTREAL GAZETTE, 16 April 1855.
26. TORONTO DAILY LEADER, 20 April 1855.
27. GLOBE, 23 April 1855.
28. MORNING CHRONICLE, 16 April 1855.
29. GLOBE, 23 April 1855.
30. MORNING CHRONICLE, 16 April 1855.
31. GLOBE, 23 April 1855.
32. IBID.
33. IBID.
34. IBID.
35. LE PAYS, 19 April 1855.
36. TORONTO DAILY LEADER, 20 April 1855.
37. MORNING CHRONICLE, 16 April 1855.
38. TORONTO DAILY LEADER, 20 April 1855.
39. MORNING CHRONICLE, 16 April 1855.
40. TORONTO DAILY LEADER, 20 April 1855.
41. MONTREAL GAZETTE, 16 April 1855.
42. TORONTO DAILY LEADER, 20 April 1855.
43. IBID.
44. IBID.
45. IBID.
46. HAMILTON SPECTATOR, 21 April 1855.

47. TORONTO DAILY LEADER, 20 April 1855.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. MORNING CHRONICLE, 16 April 1855.
53. MONTREAL GAZETTE, 16 April 1855.
54. MORNING CHRONICLE, 16 April 1855.
55. TORONTO DAILY LEADER, 20 April 1855.
56. MONTREAL GAZETTE, 16 April 1855.
57. MORNING CHRONICLE, 16 April 1855.
58. MONTREAL GAZETTE, 16 April 1855.
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60. MONTREAL GAZETTE, 16 April 1855.
61. IBID.
62. MORNING CHRONICLE, 16 April 1855.
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64. MORNING CHRONICLE, 16 April 1855.
65. MONTREAL GAZETTE, 16 April 1855.
66. IBID.
67. MORNING CHRONICLE, 16 April 1855.
68. GLOBE, 23 April 1855.
69. TORONTO DAILY LEADER, 20 April 1855.
70. GLOBE, 23 April 1855.
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72. GLOBE, 23 April 1855.
73. IBID.
74. TORONTO DAILY LEADER, 20 April 1855.
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82. GLOBE, 23 April 1855.
83. IBID.
84. TORONTO DAILY LEADER, 20 April 1855.
85. GLOBE, 23 April 1855.
86. IBID.
87. TORONTO DAILY LEADER, 20 April 1855.
88. HAMILTON SPECTATOR, 21 April 1855.
89. MORNING CHRONICLE, 16 April 1855.
90. GLOBE, 23 April 1855.
91. IBID.
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129. IBID.
130. TORONTO DAILY LEADER, 20 April 1855, reports the "House adjourned at half-past twelve."
131. MONTREAL GAZETTE, 12 April 1855.
132. MORNING CHRONICLE, 11 April 1855.

FRIDAY, 13 APRIL 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Bourassa,--The Petition of Louis Marchand and others, Directors of L'Institut de St. Jean.

By Mr. Dionne,--The Petition of the Reverend L. Roy, Curé, and others, School Commissioners of the Parish of Trois Pistoles, County of Temiscouata.

By Mr. Thomas Fortier,--The Petition of Louis Laroche and others, of the Parish of Maskinongé, in the County of St. Maurice; and the Petition of L.E. Dubord and others, of the Parish of Champlain.

By Mr. Chapais,--The Petition of the School Commissioners of the Municipality of Lessard, in the Parish of Ste. Luce, County of Rimouski.

By Mr. Foley,--The Petition of Edward Bristow and others, of the County of Waterloo.

By Mr. Brown,--The Petition of James Stock and others, of the County of Wellington; the Petition of the Reverend George Patten and others, of the Township of Blenheim, in the County of Oxford; the Petition of the Reverend David Currey and others, of the County of Oxford; the Petition of James Wilkie and others, of the County of Wellington; the Petition of James Walker and others, of the Township of McKillop, in the County of Huron; the Petition of John Gowans and others, of the County of Haldimand; the Petition of the Reverend A.F. Macauley and others, of the Township of Nasagaweya, in the County of Halton; the Petition of Peter Read and others, of the Township of Nasagaweya, in the County of Halton; the Petition of Daniel McLeary and others, of the Township of Moore, County of Lambton; the Petition of William Heron and others, of the North-west Section of the Township of Whitby, County of Ontario; the Petition of Samuel Smith and others, of the Township of Moore, in the County of Lambton; the Petition of William Dunbar and others, of the County of Ontario; the Petition of the Reverend Peter Gray and others, of the County of Lanark; the Petition of Robert Cameron and others, of the Township of East Nissouri, in the County of Oxford; the Petition of John Bowls and others, of the Township of Sombra, in the County of Lambton; the Petition of Solomon P. Hicks and others, of the Township of Sombra, in the County of Lambton; the Petition of Henry Hall and others, of the Township of Binbrook, in the County of Wentworth; the Petition of Donald McPhail and others, of the Township of Bruce, in the County of Bruce; the Petition of John Brown, senior, and others, of the County of Wentworth; the Petition of J.A. Ironside and others, of the County of Wellington; and the Petition of R. Edmondson and others, of the Town of Brockville.

By Mr. Hartman,--The Petition of John Terry and others, of the County of York; and the Petition of Edward Burroughs, Esquire, and others, of the City of Quebec.

By Mr. Powell,--The Petition of the Reverend S.S. Strong, a Clergyman of the United Church of England and Ireland, residing at Ottawa.

By Mr. Aikins,--The Petition of D. Haggard and others, of the County of Peel.

By Mr. Terrill,--The Petition of A.A. Adams and others, of Barnston and other Townships, in the County of Stanstead.

By Mr. Dufresne,--The Petition of the Reverend J. Barret, Curé, and others, of the Parish of St. Liguori.

By Mr. Mackenzie,--The Petition of Robert Reid and others, of the County of Bruce; the Petition of John Bingelman and others, of the Townships of Rainham

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and Walpole, in the County of Haldimand; the Petition of James Kent and others, of the Townships of Rainham and Walpole, in the County of Haldimand; the Petition of George Brodie, senior, and others, of the Townships of Markham and Whitchurch, in the County of York; and the Petition of Robert Bruce and others, of the County of York.

By Mr. Daly,--The Petition of David A. Robertson and others, of the County of Perth.

By Mr. Jean Baptiste Eric Dorion,--The Petition of the School Commissioners of the Town of William Henry, in the County of Richelieu; and the Petition of William Sheppard and others, of Grantham and other Townships, in the County of Drummond.

By Mr. Alleyn,--The Petition of the Quebec Gas Company.

By the Honorable Mr. Cartier,--The Petition of the Reverend J.M. Limoges and others, of the Borough of William Henry, in the District of Montreal; the Petition of John Birmingham and others, School Commissioners of the Municipality of Côteau Landing, in the District of Montreal; the Petition of Félix Voligny and others, Censitaires, of the Parish of La Ste. Trinité de Contrecoeur, County of Verchères; and the Petition of J. Gatin and others, of the Parish of St. Marc, County of Verchères.

Pursuant to the Order of the day, the following Petitions were read:--

Of Christian Troyer and others, of the Township of Vaughan, County of York; praying that the Road allowance between Lots numbers five and six in the 3rd Concession, Township of Vaughan, as now established, may be changed to its original site.

Of Samuel Pearson and others, of the County of York; of Benjamin Lepard and others; of the Reverend Thomas Wightman and others, of the County of York; of John Jackson and others, of the County of York; of Henry Disher and others, of the County of Lincoln; of Henry Kalar and others, of Stamford, County of Welland; of Duncan McFarland and others, of the County of Welland; of George Hislop and others, of the County of Waterloo; of Charles McMillan and others, of the County of Wellington; of George Bryce and others, of the County of Brant; of Joseph W. Stone and others, of the Township of Walsingham, in the County of Norfolk; of Robert Gillespie and others, of the County of Brant; of the Reverend Elijah Clark and others, of the County of Brant; of the Reverend T.L. Davidson and others, of the Town of Brantford; of William Muir and others, of the Township of Scarborough, in the County of York; of John C. Burr and others, of the Township of Markham, in the County of York; of Nathaniel Lamson and others, of the County of Norfolk; of John McDonald and others, of the Township of East Nissouri, County of Oxford; of Murdoch McLeod and others, of the Township of Kincardine, County of Bruce; of John McLean and others, of the Township of Bruce, County of Bruce; of William Ross and others, of the County of Lincoln; of George Lunan and others, of the Township of Collingwood, County of Grey; of William Purdy and others, of the County of Lincoln; of Matthew Gill and others, of the County of Haldimand; of William Hume, M.D., and others, of the County of Haldimand; of Donald Campbell and others, of the County of Haldimand; of Benjamin Grant and others, of the County of Perth; of A. Parish and others, of the County of Leeds; and of Thomas Hayes and others, of the South Riding of the County of Leeds; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of John Morey and others, of the Township of Augusta; of Moses Read and others, of Augusta; of Matilda Division, No. 22, of the Order of the Sons of Temperance; and of the Municipal Council of the United Counties of Lincoln and Welland; praying for the passing of a Prohibitory Liquor Law.

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Of Edwin Larwill, M.P.P., and others; praying for the passing of an Act to incorporate a Company to construct a line of Railway from Amherstburg to St. Thomas.

Of A.C. Cholet and others, of the Parish of Rigaud, County of Vaudreuil; praying for an aid to construct a Bridge over the River Rigaud, in the said Parish.

Of the Municipal Council of the United Counties of Lincoln, and Welland; praying for the appointment of Crown Prosecutors in each County of Upper Canada.

Of the Municipal Council of the United Counties of Lincoln, and Welland; praying for certain amendments to the Acts 12 Vic. cap. 35, and 13 & 14 Vic. cap. 64, relating to the permanent boundary lines of concessions and parts of concessions.

Of the Municipality of the Village of Thorold; praying that the benefits of the Municipal Loan Fund Act may be extended to incorporated Villages, for the purposes of local improvement.

Of the School Trustees of the Perth Public School, in the United Counties of Lanark and Renfrew; praying for an aid.

Of the Reverend J.W. Carrier and others, of the Division No. 1, of the Parish of St. Antoine de la Baie, County of Yamaska; praying aid for a School.

Of George Arthur and others, of the Township of Hillier, in the County of Prince Edward; praying for the passing of an Act to explain the 13 & 14 Vic. cap. 88.

Of the Mayor, Aldermen, and Councillors of the City of Montreal (sic); praying for certain amendments to their Act of Incorporation, 14 & 15 Vic. cap. 128.

Of the Reverend D.H. Têtu and others, of the Parish of St. Roch des Aulnets, in the County of L'Islet, Censitaires; and of L. Baribeau and others, of the Parish of St. Antoine de la Rivière du Loup, County of Maskinongé; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of Octave Laberge and others, of the Counties of Beauharnois, Chateauguay, and Huntingdon; praying for aid to construct a Road from the Chateauguay River to a place called the Portage, or DeWittville, on Lake St. Francis.

Of P.E. Leclerc and others, of the Parish of St. Hyacinthe; praying that any measure laid before the House for the extension of the limits of the Town of St. Hyacinthe may not pass into Law.

Mr. Mackenzie, from the Standing Committee on Public Accounts, presented to the House the Fifth Report of the said Committee; which was read, as follows:--

The fiscal year 1854 terminated on the 31st January last, about two and a half months since.

The Public Accounts for that year have neither been laid before the House, printed, nor referred for examination, although the Session appears to be near its close.

When the Accounts are withheld until a very late period of a Session, a full and efficient examination, and a Legislative Audit by a Special Committee are thereby rendered impossible.

The Estimates for 1854 were not brought down till near the close of that year, about three months after the second meeting of the Legislature, nor were the Public Accounts for 1853 delivered to Members of the Legislative Assembly till September, 1854.

In the opinion of Your Committee, the interest of the country would be promoted, were the Public Accounts for 1854 sent down to the House on an early day.

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Mr. James Ross reported from the Select Committee on the Bill to amend the Act 8 Vic., cap. 49, and to extend the provisions of the same, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

On motion of Mr. Fergusson, seconded by Mr. Somerville.

Ordered, That the Select Committee on the Quebec Election Petition have leave to adjourn until Friday the twenty-seventh instant, at Ten o'clock in the forenoon.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Twenty-ninth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Cobourg and Peterborough Railway Company, and find the Notice sufficient.

On the Petition of Molsons Bank of the City of Montreal, for an Act of incorporation, they find that no Notice has been given; but the Bank in question being already in operation, (having been established under the Act to regulate the freedom of Banking,) they beg leave to recommend that the Rule relative to Notice be dispensed with.

On the Petition of Pells Manny and J.H. Manny, praying for an exclusive privilege of manufacturing a double reaping and mowing Machine, Your Committee find that no Notice has been given.

Ordered, That Mr. Holton have leave to bring in a Bill to incorporate the Molsons Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Sur motion de DR. T. FORTIER,¹

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Ordered, That the Petition of Norbert Béliveau, of the Parish of St. Grégoire, County of Nicolet, be printed for the use of the Members of this House.

Ordered, That Mr. Sidney Smith have leave to bring in a Bill to amend the Acts incorporating the Cobourg and Peterborough Railway Company, and to authorize the construction of a Branch thereof to Marmora.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Thomas Fortier have leave to bring in a bill to amend the Laws relative to the summary trial of Small Causes in Lower Canada, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the nineteenth instant.

Ordered, That Mr. Bureau have leave to bring in a Bill to amend the several Acts prejudicial to Agriculture.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

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On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Solicitor General Smith,

Ordered, That the Orders of the day be now read.

And the Order of the day for the third reading of the Bill to determine the manner in which the division or side lines of the Lots in the Township of Wolfe Island shall be drawn, being read;

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General Smith do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to determine the course of the division or side lines of the Lots in certain Concessions in the Township of Smith, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General Smith do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to incorporate St. Michael's College in the City of Toronto, being read;

Mr. Bowes moved, seconded by Mr. Jobin, and the Question being proposed, That the Bill be now read the third time;

Mr. Hartman moved in amendment to the Question, seconded by Mr. Brown, That all the words after "be" to end of the Question be left out, and the words "re-committed to a Committee of the whole House, with instructions to amend it, by providing that no Real Estate shall be held by the said Corporation for the purpose of deriving a Revenue therefrom, but only such Real Estate as may be necessary for the actual occupancy of the said College and its dependencies" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Brown, Burton, Cook, Charles Daoust, Darche, DeLong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Felton, Fergusson, Ferrie, Frazer, Gamble, Hartman, Jackson, Langton, Lumsden, John S. Macdonald, Mackenzie, Matheson, Mattice, Merritt, Munro, Papin, Patrick, Rolph, Sanborn, Scatcherd, Sidney Smith, Somerville, and Wright.--(33.)

(841-842)

NAYS.

Messieurs Bellingham, Blanchet, Bourassa, Bowes, Brodeur, Bureau, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Church, Clarke, Jean B. Daoust, Dostaler, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Hincks, Jobin, Laberge, Larwill, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Poulin, Pouliot, Prévost, Rankin, Rhodes, Robinson, Solicitor General Ross, James Ross, Solicitor General Smith, Spence, Stevenson, and Thibaudeau.--(52.)

So it passed in the Negative.

(842)

And the Question being again proposed, That the Bill be now read the third time;

MR. BROWN said he thought it desirable that the provisions of the Bill should be thoroughly understood before the final vote was taken. Its object was to incorporate a College at Toronto under the unrestrained control of the Roman Catholic Bishop of Toronto. He alone was to appoint the professors, settle the branches to be taught, and form rules for the management of the institution--and power was given by the Bill to hold real estate to a large amount. A thousand pounds per annum might not appear a large income, if the College were to be one in reality; but this nominal limit was sufficient to enable a very large amount of real estate to be locked up under pretext of this clause. (Hear, hear.) He was absent from the debate which took place on this question last evening, but he understood that both the Solicitor General West, and the hon. and learned member for Toronto, the Chairman of the Standing Committee on Private Bills (Mr. Cameron) had declared strongly in favour of adhering to the principle that those Corporations should be allowed to hold real estate for occupation only, and not for endowment. It was clear that this was the only safe principle on which this House could legislate in regard to those Institutions and he trusted these hon. gentlemen would not be deterred from adhering to their principles by fear of the Hon. Commissioner of Crown Lands (Mr. Cauchon) (Hear, hear.) The ground of opposition he had always taken to those Bills applied with peculiar force to this one. Already had the Roman Catholic Bishop of Toronto been incorporated with similar powers in various capacities, and the result would be that after a few years he would have an immense amount of real estate in his hands for all sorts of purposes. In the State of New York it had just now been found necessary to bring in a law to put an end to the system of ecclesiastical corporations--and yet here we are called upon to resist attempts to introduce that pernicious system into Upper Canada (Hear, hear.) One of the members for Toronto (Mr. Cameron) brought in yesterday for the first time in Upper Canada a Bill to incorporate a Nunnery and here is the other (Mr. Bowes) with a Bill to incorporate a Priestly College--both Bills being in fact to incorporate the same individuals under a different guise. He looked upon this as a policy very much to be deprecated, and regretted to see the Government setting their faces against the salutary principle sought to be introduced by the Private Bill Committee (Hear, hear.) He was glad, however, that this House was displaying so improved a spirit in this matter from the last one. (Hear, hear.) In last Parliament on such questions he used to stand continually in minorities of 3, 4, to 5, but now they mustered well on a division, and he hoped the day was shortly coming when the occasion for these exciting disputes would be entirely removed

(Hear, hear.) He would like to ask, what was the use of granting this Incorporation? What was the advantage to be gained by it? The Institution had been carried on for years, and what disadvantage had they laboured under? True, they had not been allowed to hold real estate except under trust--and who desired that they should. If there was any difficulty under our law of Trust in Upper Canada in preventing property from being handed down from one set of incumbents to their successors, the law might be altered, but that Parliament should be constantly applied to in this way for Incorporations of all sorts of ecclesiastical organization, and to grant powers to accumulate real property in the hands of particular priests was deeply to be regretted. The system was bad in the extreme, and he was glad to find that so large a portion of the House now participated with him in that feeling. He had already alluded to the fact that in the State of New York a law to sweep away all the legislation in this shape, of the last few years had just been carried by an overwhelming majority. They had seen how this feeling had spread over the United States, and they might rest satisfied, as an hon. member had warned the House last evening, that the more rapidly they build up these corporations with all their attendant ills the more speedy and complete would be the revulsion of public opinion and the effects that would flow from it. (Hear, hear.) He was not one who desired to impose penalties on any one religious persuasion. He would be glad to have all churches put on such a footing as would enable them to conduct their affairs to the best advantage--he would assist in giving equal rights and privileges to all--but at the same time he would not give an advantage to any body whatever, which he felt was injurious to society. (Hear, hear.)²

MR. BOWES was as much opposed as the member who had just sat down, to the government system adopted years ago. Were it not that institutions in Lower Canada had obtained twice the power asked for in this bill, he would at once concur with the honorable member for Lambton.³ ((He)) thought it very unfair to single out a Catholic institution for the first time that such a demand was refused. This was the first thing Catholics had asked west of Kingston, and he considered 1000L a very small sum indeed for such an institution. How much land would require to be locked up in Toronto to produce such a revenue as that?⁴ How much the holding of property to that amount by a religious body would interfere with the interest of a city, he was not prepared to say; but it would be infinitesimally (sic) little. The honorable member for Lambton objects to real property being held by religious incorporations. He would like to know if endowments could be obtained except from the benevolent, who ordinarily bequeathed land, and not money?⁵ The bequests usually made to such Institutions were either in house or land property, and he considered it would be most unjust to prevent them from receiving such bequests.⁶ Where would religion, or education either, have been in Quebec, had it not been for endowments of this nature? The endowment of seminaries and colleges was virtually to bring a classical education to the door of every poor man. A farmer could, with the aid of such institutions, afford to give his children an education⁷ for 20L per annum⁸ which, otherwise, would be beyond his reach. Charters had been given to similar institutions in Lower Canada, and, in his opinion, there should be only one principle of legislation for both Upper and Lower Canada.⁹

MR. A. DORION (Montreal) had voted for the amendment, because he was in favour of the general principle that it was improper to allow any Corporation whatever to hold real estate except what was necessary for the purposes for which it had been incorporated. That principle having been violated in the case

of other Incorporations, he would have preferred that the same question had not been raised again this session, but having been raised he felt it his duty to support, as he had done before, that general principle.¹⁰

MR. ROBINSON said that no College deserving of the name could be endowed at all, if its endowment was less than 1000L a year, and he did not see why the Roman Catholics of Toronto should not have a College, holding a real estate to that amount.¹¹

MR. S. SMITH (Northumberland) had voted to restrict the college Masson as to the quantity of land it could hold; but he had nevertheless voted to incorporate that institution because the kind of education it was to give was defined.¹² And, if this College were to qualify for agricultural, mechanical, and commercial pursuits, he would vote for the Bill, but it was not so stated. This was the first thing of the kind attempted to be introduced west of Kingston, and he hoped it would be the last. He looked upon this as one of a class of Bills, which were neither called for nor desirable, and he intended to vote against it.¹³

MR. GOULD said he would vote against the Bill on a somewhat wider ground than that taken by the hon. member for Northumberland. He would vote against any Bill for giving any Corporation, whether Catholic or Protestant, the power of buying up 20 of the best farms in Upper Canada, in order to produce an annual revenue of 1000L.¹⁴ Twenty of the best farms in Upper Canada, will not yield a revenue of 1,000L. And would any one want to see the land in the neighborhood of Toronto held unchangeable in corporate hands?¹⁵ Would the member for Simcoe like to see 20 farms near Toronto with tenants on them subject to the supervision of the Roman Catholic Bishop? He was very gratified last evening when he heard the Solicitor General West and the Chairman of the Private Bills committee (Mr. Cameron) come forward boldly, and advocate so sound a principle as that no such Corporation should hold real estate except what was necessary for use and occupation. But he had felt a degree of humiliation which he had never experienced before, when he saw both those gentlemen drawing back at the dictation of the Commissioner of Crown Lands (Mr. Cauchon) and voting against a principle which they had declared to be good and sound. (Hear, hear.) He hoped no other members from Upper Canada would follow their example. (Hear, hear.)¹⁶

MR. ROBINSON was not aware that farms belonging to a Corporation rented for 50L a year were locked up. They were cultivated of course, to produce the rental and enable the tenant to live.¹⁷

MR. LANGTON said that some hon. gentlemen persisted in placing the question on a false footing. The member for Simcoe (Mr. Robinson) asked, if this was to be a college of any standing at all, was it not necessary to have at least an endowment of 1000L a year? No one denied that. But was it necessary that that endowment should be in land? Was it impossible to derive a revenue of 1000L from property invested in some other way. But according to this Bill the College might hold as much land as they liked, provided it did not produce an income exceeding 1000L. There would be nothing to prevent them from acquiring in this way 50,000 acres of wild land, which might be kept back from improvement for an immense period of time. For in Upper Canada they had not been accustomed to renting lands, except in the immediate neighborhood of large towns. He knew of some lands in the hands of Corporations, but they remained unimproved--no one

would work them--and they only became valuable by the improvements of others around them, and the Corporations were then enabled to sell them at a large profit. He was opposed to any Corporation of any kind, ecclesiastical or civil, holding large quantities of land. But when a clause permitting that, had been introduced, notwithstanding his opposition, into Corporations Acts for Lower Canada, he had not on that account voted against those Bills at their final stage. For he knew it was a part of the system in Lower Canada for Corporations to hold land, and as a great proportion of the inhabitants were satisfied with it, he had always voted for those Bills on the third reading. But the case was altogether different when it sought to introduce such a system into Upper Canada. For he distinctly declared it was contrary to the wishes of the great bulk of the people of Upper Canada to allow Corporations to hold land, and in a Bill for Upper Canada he would not only oppose the clause permitting that, but he would oppose the Bill itself when it came to the third reading. (Hear, hear.) He believed if the people of Upper Canada could be polled on the subject, more than four to one of them would declare against it. It had been said that this was no new system, that already there were some Colleges in Upper Canada empowered to hold land. True! there were four or five colleges to which such power had been granted by Royal Charter, afterwards confirmed by Act of Parliament, but the best evidence that the feeling of Upper Canada was against it, was to be found in the fact that some of those Corporations, though possessing the power, did not exercise it. Victoria College, for example, referred to last evening by the hon. member for Maskinongé (Mr. Turcotte) had not in that respect availed itself of its Charter.¹⁸ Victoria College, he had ascertained from a conversation with a gentleman connected with the Institution, had only four acres of land altogether.¹⁹

MR. ROBINSON could not see the difference between the holding of land by individuals and by corporations.²⁰

MR. J.S. MACDONALD (Glengary) had no objection to granting an incorporation to this or any other College, if those interested in it desired that, rather than its being held in trust. But he had strong objections to their locking up land in mortmain, or holding any real estate beyond what was necessary for the use of the College or Institution, and that clause being carried contrary to his opinion, he would feel constrained to vote against the third reading of the Bill containing it. While Solicitor General he had voted in the same way on a Bill giving that power to the Church of England, and on another giving power to a Methodist body in Toronto to hold lands in connection with a book establishment, as during the present session he had voted against the College Masson, the vote therefore which he was about to give was in perfect consistency with the course he had pursued on all similar measures. (Hear, hear.)²¹

MR. HINCKS was free to admit that there was much truth in what had fallen from the member for Peterborough (Mr. Langton), that there was a strong feeling in Upper Canada against those corporations, and that if they could go round and poll the votes of the people of Upper Canada, the result in all probability would be, as he had stated. While he believed, therefore, that the vote he was now about to give, like votes he had frequently given in Parliament on similar occasions, would be what was called an unpopular vote, he was satisfied at the same time that it was one which to the best of his judgment he was bound in justice to give.²² It happened owing to certain circumstances that the Roman

Catholics were the class particularly affected by these questions; but he did not think it was because they were in a minority in Upper Canada that there should be a different principle applied in that part of the Province from the one that was permitted to prevail in Lower Canada. He believed no practical evil had resulted from these institutions in Lower Canada, and in fact it was by no means usual for colleges though they professed the right to do so to invest their money in lands. That was not what they wanted to do,--all they required was to be allowed to take landed property conferred on them by donation or bequest.²³ It was very necessary for every corporation of this kind to invest in land. Power was not wanted nor extravagant wealth. The real truth was that in the Roman Catholic church there are a number of unmarried persons connected with the church. The celibacy of the clergy made the possession of some landed property necessary to the Catholic Church. And as for bequests, the greater number came from clergymen who had no relatives and ardently desired to see education extended. The most prominent donors to the Catholic Church were clergymen. Now, it so happens that reference has been made to Victoria College. They, it is said, did not hold lands. And why not? If not, why not? They did not get bequests. They had nothing either to hold or sell. The principle sought here to be carried out was to prevent persons from giving the land to religious institutions, as it was known that people could give land who could not give money. How was the matter with regard to other churches? The Church of England was incorporated. The Church Society was obtaining large grants of lands every day. But it was quite another thing to take money for one's own church. The Church of England would allow the Roman Catholics in Upper Canada to have what Trinity College had now got.²⁴ In this case he had to act not on his individual opinion of what was right, but in reference to justice to the community.²⁵ He was glad of the opportunity of giving the same vote now as he had given when a member of the Government, and, if the people who sent him to Parliament were not satisfied, he was perfectly willing to take the consequences.²⁶

MR. FERRES was deeply impressed with a sense of the danger of suffering the lands of the country to get into the hands of Religious Corporations²⁷ ((OR)) of Corporations of any kind whatever. He would give educational institutions any privilege they could require for educational purposes; but not to hold lands to large amounts.²⁸ When Members came forward with Bills like this it was high time to put a stop to them. The revenues of such institutions in Lower Canada, absorbed a tenth of the entire revenue of the Province. 96,000L, in round numbers 100,000L was locked up, as he had ascertained by careful calculation²⁹ and this besides institutions authorized to hold land without any limit. There was another objection in this bill arising out of an extraordinary clause which stated that in case of the resignation or removal of any of the professors the R.C. Bishop of Toronto should appoint his successor. Thus the Bishop had the right to discharge without cause assigned any officer of the institution.³⁰

A Voice.--Why not.³¹

MR. FERRES.--Well he had been used to some freedom of opinion and of action and supposing that the professors were likely to feel as great interest in the success of the institution as their ecclesiastical superior, he would see no reason why the mere will of the head of the institution should be taken for law. The bill under the name of incorporating a college really incorporated an individual, and that was an intention to which the House ought not to give its

sanction.³² He was glad that the sum had been reduced from 2,000L to 1,000L. But for his part he could not see the use of permitting them to hold any land at all. If property were given them, he would have no objection to the passage of a law permitting them to hold that and for a limited period to enable them to get rid of it by sale or otherwise. The hon. member for Renfrew had referred to the large quantities of land in the hands of private individuals. He would remind the House that when these individuals died their property ceased to be retained, but was distributed. Such was not the case with incorporations. They never die, and the result was, that the property was locked up for ever. There was already a large quantity of land locked up in a similar way, and it was time a stop should be put to the system. If we looked to Europe we would find the evils of the incorporating system developing themselves. In Sardinia so great had the evils become that it was now determined to refuse further incorporations, and resume the land already granted.³³

MR. TURCOTTE thought it of great advantage to the country that these large educational establishments should be encouraged. They could not be so without legislative assistance. Hence he was in favor of the Bill before the House.³⁴

MR. LORANGER took the same view. What progress would Lower Canada have made had there been no important educational establishments. They had occupied the front rank in the progress of civilization. He was surprised to find gentlemen who had enjoyed the privileges of being educated at those establishments now opposing their incorporation. The results in Lower Canada had been good, there was no reason to believe that the results in Upper Canada would be otherwise.³⁵

MR. CHABOT said that even the material progress of the country was due to the religious communities. Speculators in its early periods came to make fortunes by trading with the Indians; but it was the religious communities who planted settlements and commenced the agricultural industry of the country. They founded Montreal and protected it against the incursions of the Indians when the Government was powerless. It would perhaps have been happy for the country if all the seigniories had been in the hands of these communities, and there would then have been less complaints against the Seigniorial Tenure.³⁶ D'ailleurs les corporations de mainmorte ne sont plus ici ce qu'elles étaient en France. Ces corporations peuvent vendre aussi bien qu'acheter.³⁷ In practice these institutions held very little land among them--all chartered since the reunion (sic) he did not believe that they had 1,000L a year altogether; and when some property in Quebec was given to St. Anne's college it was speedily sold. The amount mentioned by Mr. Ferres³⁸ ((of)) 100,000L³⁹ was that which the corporations were allowed to hold, not that which they held. In Quebec no institution of the kind held more land, than its building stood on. He admitted that the ancient mortmains were injurious because the lands so held could not be sold; but that was not the case here.⁴⁰

MR. DUFRESNE was surprised to hear the member for Missisquoi, state that the annual revenue (sic) of the Educational Establishments in Lower Canada was 96,000L.⁴¹

MR. FERRES had not so stated. What he said was that if they went to the extent permitted by their corporations, they would have that amount of revenue.⁴²

MR. DUFRESNE was glad of the acknowledgment; it proved that their institutions only invested funds as they actually required them. He was surprised at the inconsistencies of the Opposition. His hon. friend Mr. Gould had stated that if the bill passed, the authorities of the College would be able to obtain 20 of the best farms around Toronto, while Mr. Langton had pronounced that no educational establishment in Upper Canada had been able to obtain more than four acres of land, owing to the feeling against endowments, although under their charters they could obtain more.⁴³ Si le peuple du Haut-Canada est tellement opposé à de semblables mesures, au point que les corporations catholiques autorisées, ne peuvent même y acquérir de biens-fonds qu'a-t-on à craindre du présent bill?⁴⁴ Both hon. gentlemen could not be right, and his private opinion was that both of them were wrong--in their conclusions at least.--He was in favor of the Bill, and would vote for its passage.⁴⁵

MR. PAPIN had taken precisely the same course at the commencement of the present Session, in reference to the Bill to incorporate the Masson College. He had then voted for an amendment precisely similar to that moved this evening by Mr. Hartman⁴⁶ as Mr. Loranger insinuated. The hon. member ought to understand and doubtless (sic) did understand that he neither voted against the incorporation of houses of education, nor against education.⁴⁷ He yielded to no man--not even to the member for Laprairie, who was highly educated, but unfortunately perverted that education to unworthy purposes--in his desire to see education prosper, and become general. But he did not think the mode now adopted was best calculated to advance that object. He thought there was nothing more detrimental to the interests of the Province than largely-endowed religious or educational institutions.⁴⁸ He would vote for the third reading of this bill, as he had formerly done, in similar cases, after vainly trying to reform the obnoxious clause⁴⁹ as he thought it would be still more injurious to refuse an act of incorporation altogether.⁵⁰ Did gentlemen opposite mean to say it was true that it was only on landed estates that these institutions could be founded? Why these members who gave proof of the fine education they had received in Lower Canadian colleges were almost all educated by institutions which held no land. There was therefore no possible logic in their pretensions that education was threatened when the right to hold land was refused. It was said these charters had done no harm. He was not prepared to admit that entirely; but were he legislating only for the present he should attach some weight perhaps to that argument. But the great danger was to be apprehended at a distant period. The truth was however that it was admitted these holdings of lands were not good, in themselves, by all except one gentleman, who had wished that all the lands in the country were in the hands of religious communities.⁵¹

MR. CHABOT had spoken not of lands but of seigniories.⁵²

MR. PAPIN believed the hon. member's remarks--if they related to Seigniories--were true, but it was a very different thing to give the lands itself as this bill did. He concluded by saying that even without this clause there was nothing to prevent them from being rich and prosperous.⁵³

MR. POST. GEN. SPENCE was quite satisfied that the vote he had given this evening, would subject him to assaults from a portion of the press of Upper Canada. He knew that he would be held up as sustaining the principle of religious endowments. That however, would not deter him from expressing his opinion, or from taking that course which he believed to be right. He had not,

since the debate commenced, heard the pretence of an argument against this bill.⁵⁴ (Oh! oh!) It had not been shown why a different course should be pursued in the present instance, from what had been pursued towards other Institutions of a like character.⁵⁵ He perfectly agreed with gentlemen that the lands of the country should not be locked up in the hands of corporations. He perfectly well knew that this was the great fear which haunted the public mind. But he thought there was no foundation for any such fear in the present instance. The house should be consistent with itself. Heretofore acts of incorporation such as that now asked for, had been freely granted. Even during the present session, acts of incorporation had been granted. During a discussion last evening, an hon. gentleman had thrown some light upon this matter. It appeared that the Victoria College incorporated some time since, had been permitted by that act to hold property to the value of 2000L annually. He was not aware that any indignation meetings had been held by Roman Catholics against that incorporation.⁵⁶ Did the Roman Catholics put out broad sheets, with the names of those who voted for it printed in double caps? There had never been any strong expression of public opinion in Upper Canada on this subject till about the year 1850, when the hon. member for Lambton thought proper to take it up. In 1849 several associations were chartered, having the same powers as were now complained of⁵⁷ ((OR)) with greater power and a larger amount of revenue than was sought for the college now seeking justice at the hand((s)) of the House⁵⁸--the St. Patrick's Society of Quebec, the St. Andrew's Church Society in connexion with the Church of Scotland in the city of Montreal, and the St. George's Society of Quebec,--but he did not recollect that this called forth any expression of indignation on the part either of Protestants or Roman Catholics.⁵⁹ St. Andrew's College at Montreal, had been incorporated with a right of holding property to the annual amount of 1,500L, and no outcry had been raised about it. Were they now to be told that incorporations without number should be permitted in Lower, and that the moment an attempt was made to incorporate a similar institution in Upper Canada a hue and cry was raised about the danger of the proceeding.⁶⁰ He was not satisfied that the sentiment uttered by the hon. member for Peterborough was strictly correct, that all the people of Upper Canada were opposed to Corporations of this kind.⁶¹

MR. LANGTON.--I said, a large majority.⁶²

MR. POST. GEN. SPENCE proceeded, to say that if he were to indulge his own feelings he might be disposed to say that no corporation of any kind should be authorized to hold a large quantity of land. But he was not here to give expression to his own individual feelings--(Oh! oh!)--but to do what was right, what was in accordance with the general feeling of the country--(Hear, hear.)--what would be for the interest of the country, and promote kindly feelings among all classes of Her Majesty's subjects in this Province. He held that they had no right as a Legislature to shape their course differently in regard to Victoria College, and St. Michael's College, because the parties interested in those Institutions respectively, were of different religious persuasions. But if there was any danger in this system, let a general Act be introduced to apply equally to all.⁶³

MR. FERRES.--Hear! hear!⁶⁴

MR. POST. GEN. SPENCE.--The hon. member for Lambton (Mr. Brown) was present in 1849, when those Acts were passed, although not a member of the House, but he

was then either not so intelligent or not so patriotic as he afterwards became in reference to the interests of Upper Canada, for he sounded no note of alarm at the Incorporation of the Institutions to which he referred. And there was another gentleman, whose years, whose talents, whose patriotism made him respected, the hon. member for Norfolk (Dr. Rolph) who no later than 1852 took a different course from his present one, on the question of incorporating the Jesuits as a Society. At one stage of the Bill the hon. gentleman found it convenient to be absent, at another stage, he voted, nay, but at the third reading he came out right true, and sound, and voted yea. And how could that which was right then be wrong now? It might suit some hon. gentlemen to paint the horrors of a particular system, and to offer to the distempered imaginations of individuals tremendous views of Popery. But for his own part he was willing to allow to Roman Catholics the same privileges as had been given to Protestant associations, without a single question being raised about it. He was never afraid to avow his real sentiments, or to say that he would vote for a Roman Catholic Institution precisely as he should vote for a Protestant Institution, and the same privilege which had been given to St. Andrew's Society in connexion with the Church of Scotland in Montreal in 1849, he would give to St. Micheal's College in Toronto now.⁶⁵

MR. POULIOT could see no grounds upon which the bill could be opposed.⁶⁶

DR. MASSON attempted to fix a charge of inconsistency on the hon. member for Huntingdon (Mr. Somerville) who with the assistance of Roman Catholics had obtained a Bill to incorporate the Huntingdon Academy, authorizing it to hold real estate, of the annual value of 200L, and now turned round and voted against the present Bill.⁶⁷

MR. SOMERVILLE read from the Act incorporating the Huntingdon Academy, and showed the lands they were entitled to hold were only for actual use and occupation, the very principle which he and his friends desired to see carried out in reference to all such corporations (Hear, hear.)⁶⁸ ((He)) said that colleges could hold real property only to the amount of 200L and then for the purposes of actual occupation.⁶⁹ ((He)) opposed the bill upon the ground that it was dangerous to allow corporations to hold lands. If that clause were struck out, and if the power was vested in a corporation instead of one person, he would vote for it. Otherwise he felt compelled to say that it contained a dangerous principle.⁷⁰ He set very little value on the good opinion of the member for Soulanges (Mr. Masson) who, when among Protestants, was an extremely Liberal Catholic, but among Catholics was one of the most bigoted anywhere to be found.⁷¹

MR. SICOTTE the SPEAKER.--Order!⁷²

DR. ROLPH said he should not have addressed the House had he not been called upon to do so by the hon. Postmaster General. He had referred to a vote of his (Dr. R.) on a similar Bill last Parliament inconsistent with what he expects to be his (Dr. R.'s) vote that night. And in making those remarks he (Mr. S.) had illiberally adverted to his (Dr. R.'s) absence on two stages of that Bill, insinuating that he was then "dissolving views," and in the next breath read from the same journals that he (Dr. R.) did vote at the third reading. It would have been a more worthy course to have insinuated nothing from a rightful absence, and in a manly manner draw his inference from the vote actually given,

and not shrunk from. The hon. member for Renfrew has said that he did believe that on canvassing Upper Canada, there would be a majority against corporations holding large quantities of land. But the Postmaster General, as an apology for his vote, expressed the opposite opinion. The objection in Upper Canada he (Dr. R.) believed to be very general; and while the hon. member for Renfrew was willing to brave public opinion, the Postmaster General denied it, as a shelter for his course. It had been said there was no danger. There was always a time when there was no danger. There was always a time when evil was in embryo. But evil was always progressive in its development, till often the tares overgrow the wheat. Hence the importance of acting on fixed principles, and thereby averting those encroachments of evil which a deviation from principle so generally leads to. The time was in England when there was the cry "no danger," and yielding to it, the evil did grow under unguarded legislation, till its magnitude roused the energies of the nation, and led to the repression of the evil by the statutes of mortmain. (Hear, hear.) And if the evil grew up in the parent State, it will in time grow to be oppressive in Canada with a limited territory. Even now it had been said by the hon. member for Mississquoi, (Mr. Ferris) that now property in land was held to the amount of yearly value of 96,000L--one tenth of the revenue; and if the increase went on at that rate, would not the evil become great? By a late act of this Legislature, the Bishop of Bytown, or any other bishop, upon his arrival and assumption of a see, became under the act a corporation sole, and could hold land to an unlimited amount. And some other corporations could now hold an unlimited amount of land. Was there no danger in all this, of which they were warned by history? In the State of New York, the other day, by a vote of 100 to 9, the hasty legislation of the State had produced an amount of evil requiring by an act to be swept away. Was not all this a warning to the House? It was to avert such evil that he (Dr. R.) hoped their Roman Catholic friends would concur in establishing some general, equal and safe rule. There was before them no objection to incorporation or to the possession of personal property to any amount; the only objection under discussion was the inexpediency of allowing such an increasing amount of Landed estate to be locked up in corporations. With ample means allowed their Roman Catholic friends to maintain their Colleges, he (Dr. R.) had hoped his Lower Canadian friends would have acceded to the proposition for a limit as to land. There was in it nothing hard or unreasonable; and the danger of the opposition rule verified by the past history of nations, and even in our own and neighbouring country made the adoption of some rule a duty. But the rule, whatever it might be decided to be, he (Dr. R.) wished, as all wished, it should be free from anything invidious, and apply equally to all. (Hear, hear.)⁷³

MR. CHRISTIE said he had not ... been present during the whole of the debate on this Bill. The Postmaster General said that no good and substantial reasons had been given against the Bill, but he (Mr. C.) had no doubt that good and substantial reasons had been given, although he had not the pleasure of hearing the discussion, and at all events, he was satisfied that good and sufficient reasons did exist against the Bill. The hon. gentleman had read hon. members on his (Mr. C's.) side of the house a lecture on the principles of civil and religious liberty, insinuating that they were opposed to those principles. He considered that attack most unjustifiable. He held, and trusted he always would hold the principles of civil and religious liberty to be fundamental principles, essential to the well-being of a community, and it was because he held those principles that he was opposed to this Bill. (Hear, hear.) It proposed to rest for ever in the Bishops of Toronto all the real estate which under this Bill,

the Corporation of St. Michael's College might hold. But he conceived that it became this Legislature to look with a jealous eye on these corporations Sole. It was in the highest degree dangerous to the community to clothe one individual with such immense power--power far beyond what any individual member of Society ought to possess. (Hear, hear.) Victoria College had been adduced as a parallel case to this--but in the Charter of that Institution they did not find any such provisions as were contained in this Bill. In the case of Victoria College there was no Corporation Sole. (Hear, hear.) The argument of the Postmaster General with regard to the incorporation of the St Andrew's Society of Montreal in 1849, had no bearing on the present subject. He was aware that a number of Institutions of a character similar to this had on former occasions been incorporated, but although five thousand of them had been incorporated, would that furnish a reason for hon. gentlemen in this House to insist that they should go on for ever carrying out the same principle? It ought not to be urged that in opposing this principle they were actuated by a spirit of hostility to Catholicism. As a Protestant, he held Protestant principles strongly, but he did not conceive himself entitled to allow the holding of those principles to interfere with his duties as a Legislator. Nor did he do so, and the charge of being inimical to Catholicism was one which it was unfair to urge.⁷⁴

MR. POST. GEN. SPENCE.--I did not charge hon. gentlemen with being inimical to Roman Catholicism. I said the objections to the Bill were ill defined.⁷⁵

MR. CHRISTIE.--But did not the hon. gentleman state that we were unwilling to give to Roman Catholics those rights and privileges which we would accord to others?⁷⁶

MR. POST. GEN. SPENCE.--I said I could not understand why the St. Andrew's Society should be incorporated, and why St. Michael's College should not.⁷⁷

MR. BROWN.--We did not incorporate St. Andrew's Society. (Hear, hear.)⁷⁸

MR. CHRISTIE.--If Parliament went wrong on questions of this kind in former instances, that was no reason why they should do so now. What was the whole course of the Legislation in this House but the perpetual amending and repealing of former laws? (Hear, hear.) But according to the doctrine laid down by the Postmaster General they would not be justified in repealing a single Act. That was the point of his argument if it had any point at all. (Hear, hear.) He (Mr. C.) did not vote for the St. Andrew's Bill. He was not in Parliament then, but, if he had been, he would have voted against it. And even if he had voted for it, and afterwards changed his opinion, he would not now persist in a course of wrong doing because he had once voted wrong. (Hear, hear.) It was a most dangerous principle to allow Corporations of this character to hold large quantities of real estate, and he cared not what denomination came to this House to ask for that privilege, whether Protestant or Catholic, Presbyterian or Methodist, Baptist or Episcopalian, he should take precisely the same course of action in regard to each of them. (Hear, hear.) He did not oppose this Bill because he differed from the party seeking it religiously, but because the principles laid down in it, and the privileges sought were dangerous to civil society, of which they had many examples in history, both past and present. In New York State, the Legislature during its present session, as had already been mentioned, had found it necessary to pass a measure by an immense majority to restrain this kind of Legislation. He (Mr. C.) represented Roman Catholics as

well as the Postmaster General, and he held it to be his duty as a Legislator to guard their rights and privileges. He should be unfaithful to the trust they had reposed in him, if he did not act conscientiously, according to what he conceived to be the principles of right and wrong in guarding the privileges of the people, and it was on that account that he opposed the Bill. If the objectionable clauses to which he had referred, were expunged from it, he would vote for its third reading, but as it now stood he must record his vote against it.⁷⁹

DR. T. FORTIER (Nicolet) said that the hon. member for Chateauguay (Mr. DeWitt) had voted for the amendment to this Bill, while his own Bill for the incorporation of the Grande Ligne Mission, containing the same clause to allow the Institution to hold 2000L in real estate, had been passed by the aid of Roman Catholic members of this House. And yet when a Roman Catholic Institution asked the same thing, he opposed it. Did not this show that the opponents of this Bill were inimical to the Roman Catholic religion?⁸⁰

MR. BROWN, in the absence of Mr. DeWitt, rose to make an explanation in reply to the charges brought by the member for Nicolet, that the Grande Ligne Bill had been entirely changed in the manner proposed in the present Bill⁸¹.

Cries of Spoke! Spoke! from the ministerial side of the House.⁸²

((MR. BROWN,)) having appealed to the Chair,--⁸³

MR. SICOTTE the SPEAKER decided that the hon. member could not be heard, as no attack had been made upon himself personally.⁸⁴

MR. HARTMAN then rose to give the explanation, but was met by the same cries of Spoke! Spoke! He said he had not spoken yet to the question before the chair, and was entitled to be heard.⁸⁵

MR. SOL. GEN. H. SMITH.--Spoke! spoke!⁸⁶

MR. SICOTTE the SPEAKER said the hon. member for North York had not yet spoken on the question before the House, and should be allowed to proceed.⁸⁷

MR. HARTMAN then said he was very glad indeed that the member for Nicolet had alluded to the Bill Incorporating (sic) the Grand((e)) Ligne mission. He begged to ask the hon. gentleman if he would consent to put this St. Michael's Bill on the same footing as the Grande Ligne Bill passed the House.⁸⁸

DR. T. FORTIER.--I see no difference between them.⁸⁹

MR. HARTMAN said there was all the difference in the world. The Grande Ligne Bill ((was)) introduced in the shape in which the hon. gentleman had read it, but before it passed the House that clause was struck out. (Hear, hear.) And the bill as it became law was precisely in the position which he and his friends wished this Bill to be placed. (Hear, hear.) When the Postmaster General commenced his speech by saying there had not been the shadow of a reason given why this Bill should not pass, he had watched carefully to see what reasons the hon. gentleman would give why it should pass. His first reason was that there had been no agitation on matters of this kind prior to the year 1850, that in 1849 a number of those Bills passed, and that in 1850 the member for

Lambton commenced an agitation against them. But why had there been no agitation? Simply because prior to 1849 there had been very little legislation of that kind in United Canada, but the evil commenced in 1849, and public attention was then called to it. And if a comparison of the votes of 1825 (sic)-53 with those of 1854-55 on this question was to be taken as any indication of the progress of the agitation, he believed that one result of it would be that the Postmaster General would find himself somewhere else before long. (Hear, hear.) The hon. gentlemen's (sic) second reason was that he was not here to express his own individual opinions although those opinions might be in opposition to corporation holding property in land.⁹⁰

MR. POST. GEN. SPENCE.--I said, holding large quantities of land.⁹¹

MR. HARTMAN said opinions might differ as to what was a large quantity. Some might think land of such value as to produce 1000L or 2000L a year a large quantity. But he could not understand what the hon. gentleman meant when he said he did not come here to express his own opinions but to do what was right. He had always supposed a man's opinions were what he believed to be right, but if the Postmaster General could look upon his own opinions as one thing, and what was right as another he did not know how the hon. gentleman could determine to act. He could not understand the philosophy of the Postmaster General's position in that respect. (Hear, hear.) His third reason was that it was wrong to withhold in the present case rights and privileges which had been granted to other corporations. This argument had been well understood by the hon. member for Brant (Mr. Christie.) But it did occur to him as a very singular thing that the hon. gentleman should rap his colleagues over the knuckles by saying it was wrong to make any change in our system of legislation, that it was wrong to do to-day what had been refused formerly, or to refuse to do now what was done formerly. Surely he did not mean to chastise the Commissioner of Crown Lands for introducing the Elective Council Bill which he had long and consistently opposed, and all his colleagues round him for taking office to secularize the Reserves, a thing they had opposed all their lives before. (Hear, hear). He surely could not have intended it, but that was the plain effect of his argument. (Hear, hear). Hon. gentleman opposite had striven hard to make it appear that the opposition he and his friend gave to this Bill was founded on the hostility they entertained to Roman Catholic Institutions as such. For himself as he and those around him, had done often before, he disclaimed any such feeling. He had always opposed the granting of privileges of this kind, whenever sought, whether by Roman Catholics or by Protestants.⁹²

MR. MACKENZIE expressed his strong desire that the Government would take up the matter and introduce a general Bill to apply to all such Institutions, which would save the House much debate and excited feeling. He went against this measure, simply because he was opposed to anything that would tend to produce in this country a poor, miserable tenantry, while they might have it populated by a noble yeomanry living on their own farms. There was no fear of Education in this country suffering for want of power to these Institutions to hold lands. Some hon. gentlemen from Lower Canada had spoken to-night about the great benefits which had resulted from those Educational Institutions, and the point of civilization to which they had raised Lower Canada. Would that it were so! But what, betwixt the neglect of the British Government up to 1837, and the priesthood of the Church of Rome uniting with some others to oppose education, as Lord Sydenham had justly remarked--betwixt them it was a fact that they had evidence

shewing that three-fourths of the people could not sign their own names. In 1828 and 1829, when 80,000 signatures to a petition went home,⁹³ ((OR)) out of the 18,000 signatures which were attached to the petition to the Home Government in 1828,⁹⁴ it was found that three-fourths of them were signed with crosses.⁹⁵ (Hear, hear). Was not that sufficient to prove that such corporations were (sic) a curse to any country, where they existed, whether Protestant or Catholic? (Hear, hear). Instead of educating the people, they left them uneducated. Standing here in the oldest city of America except St. Augustine--in Quebec, where those Institutions had always been fostered, had the result been that education had advanced in proportion, quite the contrary, and he should strenuously opposed (sic) any attempt to extend the same system into Upper Canada.⁹⁵

MR. AIKINS begged to move the following amendment: "That the Bill be re-committed, with instructions to introduce a clause providing that no further amount of real estate beyond what is necessary for the use of the Institution shall be held; and that any bequest of Lands made to the said Institution may be held for a length of time sufficient to allow the disposal thereof, the proceeds of which sale the said College shall enjoy." He said he had introduced this amendment to meet an objection to the position taken up by that side of the House, that they would prevent the college from receiving bequests in land, the usual way in which bequests would be made. By his amendment, they would be entitled to receive those bequests, and to hold them sufficiently long to allow them to be disposed of, and their proceeds to be otherwise invested. Grave charges had been thrown out that those who opposed the Bill entertained hostile feelings towards Roman Catholicism. For his own part, he disclaimed altogether being actuated by any hostile feeling towards Roman Catholics many of whom in his own constituency were his political friends. He would not enforce upon them any restrictions which he would not think it necessary to enforce on Protestants in similar circumstances. And if this were a Protestant Institution he would take precisely the same course in regard to it, as he did now when it was a Catholic Institution. He did so, because he considered it wrong in principle to allow those corporations to hold lands beyond what they required for their own use--the effect of which was to keep back whatever lands they possessed from improvement. Allusion had been made to Victoria College, which like three or four similar Institutions in Upper Canada was entitled to hold lands. He had examined the charter of that Institution and found that statement to be correct, but he would say that if an application from Victoria College for power to hold lands was now before the Legislature for the first time he would vote against it, as he now voted against the present Bill. (Hear, hear).⁹⁶

MR. BOWES should be sorry to charge any hon. gentleman who opposed the Bill with opposing it from any enmity to the Catholic religion. The only ground of opposition to this Bill arose on account of placing the Clergy Reserves on a footing with this measure, where there was only a paltry sum of 1000L in question.⁹⁷

Mr. Aikin's amendment was then put⁹⁸.

(842)

Mr. Aikins moved in amendment to the Question, seconded by Mr. Christie, That all the words after "be" to the end of the Question be left out, and the words "re-committed, with instructions to introduce a Clause providing that no

further amount of Real Estate beyond what is necessary for the use of the Institution shall be held; and that any bequests of Lands made to the said Institution may be held for a length of time sufficient to allow for the disposal thereof, the proceeds of which sale the said College shall enjoy" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Christie, Cook, Daly, Charles Daoust, Darche, DeLong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Gould, Hartman, Holton, Langton, Lumsden, John S. Macdonald, Mackenzie, Matheson, Mattice, Merritt, Munro, Niles, Papin, Patrick, Rolph, Scatcherd, Somerville, and Wright.--(33.)

NAYS.

Messieurs Alleyn, Bellingham, Blanchet, Bourassa, Bowes, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Clarke, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Hincks, Jobin, Labelle, Lalonde, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Poulin, Pouliot, Prévost, Rhodes, Robinson, Solicitor General Ross, James Ross, Solicitor General Smith, Spence, Stevenson, Thibaudeau, and Turcotte.--(60.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

(842-843)

YEAS.

Messieurs Alleyn, Bellingham, Blanchet, Bourassa, Bowes, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Clarke, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Hincks, Holton, Jobin, Labelle, Lalonde, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Papin, Poulin, Pouliot, Prévost, Rhodes, Robinson, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Thibaudeau, and Turcotte.--(70.)

(843)

NAYS.

Messieurs Aikins, Bell, Biggar, Brown, Christie, Cook, Daly, DeLong, Fergusson, Ferrie, Gould, Hartman, Langton, Lumsden, John S. Macdonald, Mackenzie, Matheson, Mattice, Merritt, Munro, Niles, Patrick, Rolph, Scatcherd, and Wright.--(25.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate St. Michael's College in the Diocese of Toronto."

Ordered, That Mr. Bowes do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the bill to facilitate the negotiation of Municipal Debentures, being read;

MR. INSP. GEN. CAYLEY moved the second reading of this bill, the purpose was to give greater facilities for the negotiation and transfer of Municipal securities. When first issued, and indeed up to a very recent period, there seemed to be no doubt entertained about their negotiability in the same manner as Promissory Notes; but further, the last year or two the question had been mooted whether being instruments under seal they could be transferred in that manner. It was now held that the holders were in the position of assignees of the payee, and could only sue in his name, subject to all the objections that might be raised to his title to recover.⁹⁹ Another doubt had been raised as to Municipal Debentures. Municipalities being only entitled to raise money at six per cent, when their Debentures were sold below par, they were in fact raising money at a higher rate of interest, and the Debentures were illegal under the Usury Law. The present Bill was intended to cure these two evils, to enable the Debentures to be transferred from hand to hand, and to provide that in the hands of the bona fide holders they should be good on the face of them. It was not intended, however, that the Bill should over-ride any of the formalities required in the issue of Debentures, by bye-laws &c. A portion of the last clause had been somewhat stringently interpreted, as if it would have the effect of whitewashing certain illegal transactions, and to meet that objection he had proposed to strike out the words complained of¹⁰⁰ after "notice" in the last clause¹⁰¹ ((OR)) after six per cent. per annum--"and shall not be liable to be impeached in the hands of a bona fide holder for value, without notice, on account of any fraud or illegality in the original making or issuing thereof."¹⁰²

MR. BROWN said that he considered this bill one of the very greatest importance, and as one affecting and designed to sustain the public credit; gentlemen on his side of the house were prepared to consider it without any party feeling or party prejudice. He knew that some holders had acquired these debentures at as large a discount as 20 per cent,¹⁰³ ((OR)) that some Municipalities having issued Debentures which were sold below par, in some cases as low as 80 per cent,¹⁰⁴ and some of the municipalities, whose debentures had been thus issued, desired to get rid of payment in full, under cover of the usury laws¹⁰⁵. Of course every member of the House would desire to discountenance so unfair and improper a defence being taken up, for nothing could be more damaging to the best interests of the country than that anything like repudiation should be attempted by our Municipalities. But the Bill applied not only to Debentures to be issued in future, but to those issued in the past as well. If no special case was to be affected by this, it might not perhaps be objected to, for it was clear that that was always the intention of the law and the only honest course.¹⁰⁶ This might seem at first sight fair enough, but some of these debentures might have been obtained through improper means¹⁰⁷. It was always a dangerous proceeding to pronounce on past transactions in a general law, without knowing fully and precisely what particular cases might be affected by the law. (Hear, hear.)¹⁰⁸

MR. INSP. GEN. CAYLEY.--The bill only affects the debentures in the hands of bona fide holders.¹⁰⁹

MR. BROWN.--Still it covered all frauds up to the time of coming into the hands of such holders¹¹⁰. Our Municipal Debentures were held to a very large amount in England, and were held under certain conditions. By this bill those conditions were at once to be changed. Was it a prudent course? He was not prepared to say it was not--at the same time it was clear, as regarded the parties who originally issued those bonds, that by this act their position would be entirely changed towards the holders of their securities. The consideration of how many subjects of dispute were in existence at this moment in connection with those Debentures, made one hesitate about a Bill which was to apply to the past, the present, and the future. Every thing they could do to raise the character of the public securities should be done, and he admitted it would not be well to allow such an idea to go abroad as that, a necessity existed for this bill, without taking the necessary steps to apply a remedy to the evil. He thought, however, that it was of the greatest importance that the public attention should be called to the matter, and particularly the attention of Municipalities interested in its provision--and he would suggest that the Inspector General should take the second reading now pro forma, and allow it to stand over for two or three weeks that the country might know its provisions and express an opinion on it when, if no serious objection appeared, it could at once be passed.¹¹¹

MR. CAMERON considered the subject to be one of the greatest importance. There was not a single holder of these debentures that was not under the impression that these debentures were negociable in the same manner as a Promissory Note. The public were misled with regard to them and he considered they should be put upon the same footing as Exchequer Bills. One objection that he had was the difficulty of attaching these in the hands of notice parties.¹¹² With regard to what had fallen from the hon. member for Lambton, if there were fraud in the original issue of these debentures, the holder would be obliged to prove value paid and bona fide holding, like the holder of a promissory note. But the protection against such frauds was to be found in the first clause, by which all the others were over-ridden, which provided that all the formalities already required by law as a check on such frauds should be still observed in issuing such debentures. That was the principal safeguard both of municipalities and holders. He thought the Inspector General deserved the thanks of the House and country for this prompt return to secure the rights of the many holders of these debentures and preserve the public credit.¹¹³ He concurred in the suggestion that it would be prudent to delay the measure for a short time.¹¹⁴

MR. INSP. GEN. CAYLEY said he would accept the suggestion of Mr. Brown and take the second reading, and pass the Bill through Committee now, allowing the question of concurrence to stand over as had been suggested¹¹⁵, until the people generally should be made aware of the provisions of the bill.¹¹⁶

The bill was read a second time.¹¹⁷

(843)

The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Cartier, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Blanchet, Bowes, Brown, Bureau, Cameron, Cartier, Casault, Cayley, Chabot, Chauveau, Chisholm, Christie, Cook, Charles Daoust, Jean B. Daoust, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Ferres, Ferrie, Foley, Fournier, Frazer, Gill, Gould, Guévremont, Hartman, Hincks, Labelle, Langton, Laporte, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Roderick McDonald, McCann, Marchildon, Matheson, Mattice, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, O'Farrell, Papin, Patrick, Poulin, Powell, Prévost, Rankin, Rhodes, Robinson, Rolph, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Spence, Stevenson, Terrill, Wright, and Young.--(75.)

NAY.

Monsieur Mackenzie.--(1.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

(844)

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;

Some ... alterations having been made¹¹⁸,

MR. INSP. GEN. CAYLEY ... took the occasion of going into Committee to thank hon. gentlemen opposite and the house generally for their hearty co-operation with him in his attempt to place these securities on a proper footing, and prevent any injury to the public credit by means of difficulties arising out of their collections at maturity.¹¹⁹

(844)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Joseph Curran Morrison reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Tuesday the twenty-fourth instant.

MR. POST. GEN. SPENCE moved the House into Committee on the Bill to abolish Postage on Newspapers.¹²⁰

MR. FERRES could not believe that honorable members who had opposed this bill were really in earnest. As for the compensation in consideration of the tax on county postmasters in distributing newspapers, he did not think that if they got a present of all they now collect it would benefit them much. As for periodicals there were none of a literary character in the Province. There were medical and educational journals, but no Harper's or Blackwood's magazines. He thought it would be well to confine the privilege to newspapers alone, and he hoped the bill would be suffered to pass without opposition.¹²¹

MR. HARTMAN thought there were periodicals that might be affected by the bill, such as the "Christian Castle" published at Napanee and the "Presbyterian Magazine."¹²²

MR. POST. GEN. SPENCE was surprised at the opposition to this bill. He thought that if there was any measure that would have met with universal approbation in this House, it would have been one for the abolition of postage on newspapers. Some reliance might be placed on the discretion of the Department with regard to periodicals.¹²³

MR. MACKENZIE was not for imposing all the duty of delivering hundreds of thousands of newspapers, without any remuneration. He thought the Post Master should get some reward--things could not be done for nothing--and somebody should pay the expenses. He was for taking the postage off newspapers, but then there were some of them a disgrace to the country. Quack doctors in the United States printed newspapers and distributed them gratis for the purpose of circulating their advertisements, and it was an unreasonable thing that post-masters should be obliged to deliver all these and thousands of others for nothing.¹²⁴

MR. POST. GEN. SPENCE supposed that the hon. member for Haldimand would be the very last in the House to oppose this measure. He would say that the people themselves would select the papers they wished to read. As to paying the Postmasters, he could say that they wished to be free from the trouble and loss of time suffered by them in keeping not only accounts of the newspaper postage, but separate accounts for each paper, for which they were allowed only 33½ per cent. on the amount received by them. They wished to be relieved from this, even if they received the whole amount.¹²⁵

MR. ROBINSON asked what the loss would be to the revenue.¹²⁶

MR. POST. GEN. SPENCE.--About 8,000L, but the United States spent \$716,000, and England 200,000L, to facilitate the free circulation of newspapers.¹²⁷

MR. MACKENZIE said that, besides the 8,000L, there would also be the loss of the Government postage--the Government employees--the Governor General and all his dependents, which would amount on a calculation to say 18,000L more, and how would the deficiency which this would cause be made up? Was it by raising it on the poor man's sugar and tea? And besides, we were increasing the salaries of our officers.¹²⁸

MR. J. DORION (Drummond) moved an amendment to have periodicals also pass free, which was lost.¹²⁹

MR. BROWN wished to have the word "Newspaper" defined.¹³⁰

MR. POST. GEN. SPENCE.--There could be no difficulty in determining what newspaper was under the Act.¹³¹

MR. SOL. GEN. H. SMITH thought that hon. gentlemen cavilled without any reason. The Act defines what newspapers meant--Books; Magazines, &c.¹³²

MR. A. DORION, of Montreal wished for information as to the means of making up deficit in the revenue.¹³³

MR. BELLINGHAM made a few remarks¹³⁴.

The first clause of the bill being put to the vote was carried.¹³⁵

((On the second clause,)) MR. MACKENZIE was opposed to the bill. There was a stamp in England about to be abolished when a postal charge would be put on. He did not like the increase of salary to officers in the Post Office Department.¹³⁶

MR. BROWN agreed with the member for Haldimand in a great measure. He did not think the postage on newspapers was any very great burden, but thought the Post Master would make political capital out of it as it was undoubtedly popular in the country. Out of delicacy he would not vote upon the measure at all.¹³⁷

((On the)) third clause--increase of salary to Mr. Griffin--MR. MACKENZIE taking some objection, moved that the chairman leave the chair on a point of order.... The objection was that the House had not gone into committee of supply.¹³⁸

MR. CHISHOLM refused, unless the majority of the committee required him to do so. Subsequently he left the chair.¹³⁹

The Committee rose shortly afterwards and reported progress.¹⁴⁰

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The House, according to Order, resolved itself into a Committee on the Bill to abolish Postage on Newspapers published within the Province of Canada, and for other purposes connected with the Post Office Department of the Province; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Chisholm reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

The Order of the day for the second reading of the Bill to repeal the Act 16 Vic. cap. 24, and to make other provision for the management of the Harbour of Montreal, being read;

Ordered, That the said Order of the day be discharged.

The Order of the day for the second reading of the Bill to alter and amend certain provisions of the Act of the Imperial parliament re-uniting the Provinces of Upper and Lower Canada, being read;

Ordered, That the said Order of the day be discharged.

The Order of the day for the second reading of the Bill to protect the Forest and to prevent the setting of fire to woods with the view of clearing lands, being read;

Ordered, That the said Order of the day be discharged.

The House, according to Order, again resolved itself into a Committee on the Bill to reform the Municipal System of Lower Canada, and to establish County, Parish, and Township Municipalities therein; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Masson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

Then, on motion of Mr. Thomas Fortier, seconded by the Honorable Mr. Attorney General Drummond,

The House adjourned until Monday next.

APPENDIX: 13 APRIL 1855.

((NOTICE OF MOTION RE: SAGUENAY ELECTION.))

DR. MASSON ((donne avis que)) lundi prochain ((il fera motion)) que la pétition du révérend A. Beaudry, de la paroisse de St. Etienne de la Malbaie, demandant l'indulgence de cette chambre pour Antoine Guay, pour cause de folie et d'affection nerveuse, soit référée à un comité spécial composé de M. Smith de Frontenac, l'honorable M. Lemieux, M. Fortier de Nicolet, M. Pouliot et du moteur, pour faire rapport, avec pouvoir d'envoyer quérir personnes, papiers et records.¹⁴¹

((NOTICE OF QUESTION RE: PUBLIC ACCOUNTS.))

MR. FERRIE ((donne avis que)) lundi prochain ((il)) demandera au ministère quand les comptes publics pour l'année dernière et les estimés pour la présente année seront mis devant la chambre.¹⁴²

((QUESTION AND ANSWER RE: PARLIAMENT BUILDINGS.))

MR. CHAUVEAU ... ((a)) demandé, en chambre, si le gouvernement avait l'intention de recommander une appropriation pour la construction d'édifices publics à Québec¹⁴³.

MR. PRES. EX. COUN. MACNAB répondit qu'on n'en était venu à aucune détermination là-dessus et qu'il n'était pas prêt à répondre.¹⁴⁴

((POSTPONED MOTION RE: PUBLIC ACCOUNTS.))

MR. INSP. GEN. CAYLEY moved the second reading of the Bill to secure the more efficient auditory of the Public Accounts.¹⁴⁵

Reading deferred.¹⁴⁶

FOOTNOTES: 13 APRIL 1855.

1. LE PAYS, 19 April 1855.
2. GLOBE, 25 April 1855.
3. TORONTO DAILY LEADER, 23 April 1855.
4. MORNING CHRONICLE, 19 April 1855.
5. TORONTO DAILY LEADER, 23 April 1855.
6. GLOBE, 25 April 1855.
7. TORONTO DAILY LEADER, 23 April 1855.
8. MORNING CHRONICLE, 19 April 1855.
9. TORONTO DAILY LEADER, 23 April 1855.
10. GLOBE, 25 April 1855.
11. IBID.
12. MORNING CHRONICLE, 19 April 1855.
13. GLOBE, 25 April 1855.
14. GLOBE, 25 April 1855. MORNING CHRONICLE, 19 April 1855, reports similar comments but attributes them to Mr. Gamble. No speech by Mr. Gamble is reported in the other major accounts of this debate: GLOBE, 25 April 1855, TORONTO DAILY LEADER, 23 April 1855, MONTREAL GAZETTE, 17 April 1855, and LA MINERVE, 21 April 1855. Furthermore, Mr. Gamble's name is not recorded among the votes.
15. TORONTO DAILY LEADER, 23 April 1855.
16. GLOBE, 25 April 1855.
17. TORONTO DAILY LEADER, 23 April 1855.
18. GLOBE, 25 April 1855.
19. TORONTO DAILY LEADER, 23 April 1855.
20. IBID.
21. GLOBE, 25 April 1855.
22. IBID.
23. MORNING CHRONICLE, 19 April 1855.
24. TORONTO DAILY LEADER, 23 April 1855.
25. MORNING CHRONICLE, 19 April 1855.
26. GLOBE, 25 April 1855.
27. TORONTO DAILY LEADER, 23 April 1855.
28. MORNING CHRONICLE, 19 April 1855.
29. TORONTO DAILY LEADER, 23 April 1855.
30. MORNING CHRONICLE, 19 April 1855.
31. IBID.
32. IBID.
33. TORONTO DAILY LEADER, 23 April 1855.
34. IBID.
35. HAMILTON SPECTATOR, 25 April 1855.
36. MORNING CHRONICLE, 19 April 1855.
37. LA MINERVE, 21 April 1855.
38. MORNING CHRONICLE, 19 April 1855.
39. LA MINERVE, 21 April 1855.
40. MORNING CHRONICLE, 19 April 1855.
41. HAMILTON SPECTATOR, 25 April 1855.
42. IBID.
43. IBID.
44. LA MINERVE, 21 April 1855.
45. HAMILTON SPECTATOR, 25 April 1855.
46. TORONTO DAILY LEADER, 23 April 1855.
47. MORNING CHRONICLE, 19 April 1855.

48. TORONTO DAILY LEADER, 23 April 1855.
49. MORNING CHRONICLE, 19 April 1855.
50. TORONTO DAILY LEADER, 23 April 1855.
51. MORNING CHRONICLE, 19 April 1855.
52. IBID.
53. IBID.
54. TORONTO DAILY LEADER, 23 April 1855.
55. GLOBE, 25 April 1855.
56. TORONTO DAILY LEADER, 23 April 1855.
57. GLOBE, 25 April 1855.
58. TORONTO DAILY LEADER, 23 April 1855.
59. GLOBE, 25 April 1855.
60. TORONTO DAILY LEADER, 23 April 1855.
61. GLOBE, 25 April 1855.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. TORONTO DAILY LEADER, 23 April 1855.
67. GLOBE, 25 April 1855.
68. IBID.
69. MORNING CHRONICLE, 19 April 1855.
70. TORONTO DAILY LEADER, 23 April 1855.
71. GLOBE, 25 April 1855.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. TORONTO DAILY LEADER, 23 April 1855.
95. GLOBE, 25 April 1855.
96. GLOBE, 25 April 1855. This newspaper adds that Mr. Aikin's amendment was "Seconded by Mr. Gould". According to the JOURNALS, page 842, the amendment was "seconded by Mr. Christie".
97. TORONTO DAILY LEADER, 23 April 1855. MORNING CHRONICLE, 19 April 1855, differs from the TORONTO DAILY LEADER, 23 April 1855, reporting that "Mr. Bowes replied" after Mr. Aikin's amendment was put.

98. GLOBE, 25 April 1855.
99. MORNING CHRONICLE, 19 April 1855.
100. GLOBE, 25 April 1855.
101. MORNING CHRONICLE, 19 April 1855. This newspaper reports that Mr. Cayley moved to strike out all the words after "notice" in the last clause. GLOBE, 25 April 1855, reports he moved to strike out the words "after six per cent. per annum". After the bill was amended in Committee, the last clause was altered to omit the words after "notice" in the last clause. The amended bill is reported in GLOBE, 25 April 1855.
102. GLOBE, 25 April 1855.
103. MORNING CHRONICLE, 19 April 1855.
104. GLOBE, 25 April 1855.
105. MORNING CHRONICLE, 19 April 1855.
106. GLOBE, 25 April 1855.
107. MORNING CHRONICLE, 19 April 1855.
108. GLOBE, 25 April 1855.
109. MORNING CHRONICLE, 19 April 1855.
110. IBID.
111. GLOBE, 25 April 1855.
112. TORONTO DAILY LEADER, 23 April 1855.
113. MORNING CHRONICLE, 19 April 1855.
114. GLOBE, 25 April 1855.
115. IBID.
116. MORNING CHRONICLE, 19 April 1855.
117. TORONTO DAILY LEADER, 23 April 1855.
118. IBID.
119. MORNING CHRONICLE, 19 April 1855.
120. TORONTO DAILY LEADER, 23 April 1855.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. HAMILTON SPECTATOR, 25 April 1855.
126. TORONTO DAILY LEADER, 23 April 1855.
127. IBID.
128. HAMILTON SPECTATOR, 25 April 1855.
129. TORONTO DAILY LEADER, 23 April 1855.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. IBID.
141. LE PAYS, 19 April 1855.
142. IBID.
143. LE PAYS, 17 April 1855.
144. IBID.
145. TORONTO DAILY LEADER, 23 April 1855.
146. IBID.

MONDAY, 16 APRIL 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Somerville,--The Petition of John Morrison, of the Village of Huntingdon, and of William Lamb, of the Parish of Godmanchester, in the County of Huntingdon, Justice of the Peace.

By Mr. Patrick,--The Petition of the Bytown and Prescott Railway Company.

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By Mr. Crysler,--The Petition of Joseph Johnson and others, of the Township of Winchester, County of Dundas.

By Mr. Jobin,--The Petition of Maxime Gravelle, of the Parish of Ste. Elizabeth, in the County of Joliette.

By Mr. Gill,--The Petition of J. Rousseau and others, of the Parish of La Baie.

By Mr. Jean Baptiste Eric Dorion,--The Petition of the Committee of Management of the Mechanics' Institute and Library Association of Sorel.

By Mr. Chapais,--The Petition of the Reverend P. Patry and others, of the Parishes of St. Paschal and St. Louis de Kamouraska.

By Mr. Foley,--The Petition of Uriah Corlis and others, of the Township of Townsend, County of Norfolk.

By Mr. James Smith,--The Petition of the Municipality of the Township of Eldon; and the Petition of William Cottingham, of Emily.

By Mr. Bowes,--The Petition of the Right Reverend the Roman Catholic Bishop of Toronto, and others.

By Mr. Brown,--The Petition of Gideon Shepard and others, of the City of Hamilton.

By the Honorable Mr. Cameron,--The Petition of Samuel Zimmerman, of Niagara Falls.

By Mr. Alleyn,--The Petition of the Mayor, Aldermen, and Councillors of the City of Quebec; and the Petition of the Quebec Fire Assurance Company.

By the Honorable Mr. Hincks,--The Petition of H.F. Friel, Mayor, and others, Roman Catholic Inhabitants of the Diocese of Bytown; and the Petition of Joseph Ammond and others, Roman Catholic Inhabitants of the Town of Bytown.

By Mr. Octave Cyrille Fortier,--The Petition of Joseph Coté, M.D., and others, of the Parish of St. Vallier.

By the Honorable Mr. Cauchon,--The Petition of the Reverend J. Nault and others, School Commissioners, and others, of the Parish of St. Laurent, Island of Orleans.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Stanstead, Shefford, and Chambly Railroad Company; praying for certain amendments to their Act of Incorporation.

Of Charles Sabourin and others, of the Parish of Longueuil, in the County of Chambly; of Louis Laroche and others, of the Parish of Maskinongé, in the County of St. Maurice; and of Félix Voligny and others, Censitaires, of the Parish of La Ste. Trinité de Contrecoeur, County of Verchères; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of the Mechanics' Institute of the Canton of Chambly, praying for aid.

Of Edwin Pridham and others, of Chatham and other places in Lower Canada; praying that the Village of Carillon be chosen as the County Town of the County of Argenteuil.

Of R. Lobb and others, of the Township of Marysburgh, in the County of Prince Edward; praying for the passing of a Prohibitory Liquor Law.

Of William Speirs and others, of the County of Peel; of Joseph Figg and others, of the County of Peel; of John Vodden and others, of the County of Peel; of James Haggart and others, of the County of Peel; of C.C. Smith and others, of the Township of Smith Dumfries, County of Brant; of J.B. Bowman and others, of the County of Waterloo; of Andrew Thompson and others, of the County of Norfolk; of Walter Dalziel and others, of the County of York; of Allan Wilcox and others, of the County of Peel; of Edward Bristow and others, of the County of Waterloo; of Thomas Anderson and others, of the County of Wellington; of James Stock and others, of the County of Wellington; of the Reverend George Patten and others, of the Township of Blenheim, in the County of Oxford; of the Reverend David

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Currey and others, of the County of Oxford; of James Wilkie and others, of the County of Wellington; of James Walker and others, of the Township of McKillop, in the County of Huron; of John Gowans and others, of the County of Haldimand; of the Reverend A.F. Macauley and others, of the Township of Nasagaweya, in the County of Halton; of Peter Read and others, of the Township of Nasagaweya, in the County of Halton; of Daniel McLeary and others, of the Township of Moore, County of Lambton; of William Heron and others, of the North West Section of the Township of Whitby, County of Ontario; of Samuel Smith and others, of the Township of Moore, in the County of Lambton; of William Dunbar and others, of the County of Ontario; of the Reverend Peter Gray and others, of the County of Lanark; of Robert Cameron and others, of the Township of East Nissouri, in the County of Oxford; of John Bowls and others, of the Township of Sombra, in the County of Lambton; of Solomon P. Hicks and others, of the Township of Sombra, in the County of Lambton; of Henry Hall and others, of the Township of Binbrook, in the County of Wentworth; of Donald McPhail and others, of the Township of Bruce, in the County of Bruce; of John Brown, senior, and others, of the County of Wentworth; of J.A. Ironside and others, of the County of Wellington; of R. Edmonson and others, of the Town of Brockville; of John Terry and others, of the County of York; of D. Haggard and others, of the County of Peel; of Robert Reid and others, of the County of Bruce; of John Bingelman and others, of the Townships of Rainham and Walpole, in the County of Haldimand; of James Kent and others, of the Townships of Rainham and Walpole, in the County of Haldimand; of George Brodie, senior, and others, of the Townships of Markham and Whitchurch, in the County of York; of Robert Bruce and others, of the County of York; and of David A. Robertson and others, of the County of Perth; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of F. Barbeau and others, of the Parish of St. Raphaël de l'Isle Bizard; praying that the said Parish of St. Raphaël may be detached from the County of Laval for Election purposes, and from the County of Two Mountains for Municipal purposes.

Of the Reverend P. Huot, Curé, and others, of the Parish of Ste. Foye; praying that the Quebec Turnpike Trustees may be authorized to macadamize the Road leading from Ste. Foye Church to the Coves.

Of Lewis Clement, residing in the Village of Thorold, County of Welland, gentleman, praying for arrears of pension due him from the year 1821 up to the year 1851, as Lieutenant in the 2nd Lincoln Militia, during the last War with the United States.

Of Louis Marchand and others, Directors of l'Institut de St. Jean; praying for an aid.

Of the Reverend L. Roy, Curé, and others, School Commissioners of the Parish of Trois Pistoles, County of Temiscouata; praying for an aid to enable them to finish the School House in the said Parish.

Of L.E. Dubord and others, of the Parish of Champlain; praying that the Seat of Government may be permanently established.

Of the School Commissioners of the Municipality of Lessard, in the Parish of Ste. Luce, County of Rimouski; praying aid for the erection of School Houses in the said Parish.

Of Edward Burroughs, Esquire, and others, of the City of Quebec; praying that no person shall be deemed to be incompetent as a witness in any Court, matter, or proceeding, on account of opinion in matters of religious belief; and also, that non-religionists be allowed to register Marriages, Births, and Deaths.

Of the Reverend S.S. Strong, a Clergyman of the United Church of England and Ireland, residing at Ottawa; complaining of injustice in being subjected to

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assessment, whilst the Clergy of several other religious denominations are exempt therefrom; and praying relief.

Of A.A. Adams and others, of Barnston and other Townships, in the County of Stanstead; praying aid for a road.

Of the Reverend J. Barret, Curé, and others, of the Parish of St. Liguori; praying for an aid for the erection of a School House in the said Parish.

Of the School Commissioners of the Town of William Henry, in the County of Richelieu; praying for an aid.

Of William Sheppard and others, of Grantham and other Townships, in the County of Drummond; praying that the Townships of Upton, Grantham, Wickham, Wendover, and Simpson, be erected into a separate Circuit, and that the Sessions of the Court be held in the Village of Drummondville.

Of the Quebec Gas Company; praying for the passing of an Act to increase their Capital Stock.

Of the Reverend J.M. Limoges and others, of the Borough of William Henry, in the District of Montreal; praying for an aid for the Convent of Les Soeurs de la Providence.

Of John Birmingham, President, and others, School Commissioners of the Municipality of Coteau Landing, in the District of Montreal; praying for an aid.

Of J. Gatin and others, of the Parish of St. Marc, County of Verchères; representing that since the construction of the Dam on the River Chambly, near the Village of St. Ours, their property has been seriously damaged; and praying relief.

The routine business having been disposed of, MR. FELTON moved that the orders of the day be now read, the first order being the House in Committee on the Prohibitory Liquor Bill. If the eleven pages of notices of motion were to be gone through, the orders would not be reached that night, and according to the new arrangement of the business the Bill could not be taken up till next Monday, when it would probably be again shoved aside by the accumulated notices. If the measure, therefore, was not taken up tonight, he was afraid its fate would be sealed for this session, and from the vote now to be taken, the country would judge who were the members desirous of proceeding with the measure, and who were desirous of stifling it.¹ He should consider that every one who voted against his motion would be voting against the law.²

MR. LANGTON said the hon. member had no right to say that, if he lost this motion, he would consider that the sense of the House had been given against this Bill. Some of the notices were of great importance, and however important the Liquor Bill might be, the whole business of the country was not to stand still on its account. According to the present arra(n)gement, if the notices were dispensed with now, they could not be taken up again till next Monday.³ There were two notices of his--one relating to this very thing, a motion which should be discussed before going farther with the bill, and another with the mode of procedure by which the present difficulty of having but one day in the week (Monday) for notices, would be obviated.⁴ He had ... a motion on the paper, that another day, Wednesday, should be given for notices, and he considered it necessary that that should be agreed to before throwing them all over for another week.⁵

MR. J.S. MACDONALD (Glengary) said that no doubt some of the notices were very important, but the Liquor bill was a matter on which the people had strongly expressed their opinion that it should receive the sanction of the Legislature during the present session, and he should therefore vote for the motion.⁶

MR. INSP. GEN. CAYLEY said he inferred from the remarks of the hon. member for Wolfe (Mr. Felton) that all who supported his motion would be considered to be in favor of his Bill, and, as he wished to defeat the Bill, he would therefore vote against the motion.⁷

MR. HOLTON suggested that the member for Wolfe should allow the notices to be proceeded with till seven o'clock, and then move that the orders of the day be taken up.⁸

MR. SICOTTE the SPEAKER ... stated that the hon. member could at any stage of the proceedings move that the orders of the day be read.⁹

MR. FELTON acceded to the suggestion, and withdrew his motion.¹⁰

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Ordered, That the Eleventh Report of the Standing Committee on Contingencies be taken into consideration on Thursday next.

Ordered, That Mr. Larwill have leave to bring in a Bill to incorporate the St. Clair, Chatham, and Rondeau Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the thirtieth instant.

Mr. Alleyn reported from the Select Committee on the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Thursday next.

Mr. Papin moved, seconded by Mr. Jean Baptiste Eric Dorion, and the Question being proposed, That the Accounts of the Returning Officer for the County of

*Leinster, for the Election of 1851, and those of the Returning Officer for the County of L'Assomption, for the Election of 1854, be referred to a Select Committee, composed of Mr. Solicitor General Smith, Mr. Langton, Mr. Rankin, the Honorable John Sandfield Macdonald, and the Mover, with an Instruction to examine whether the said Accounts are correct and exact, to report thereon from time to time; with power to send for persons, papers, and records;*¹¹

MR. PAPIN, en faisant cette proposition, dit qu'il ne pensait pas que le gouvernement s'y opposerait, car il connaissait déjà les raisons qui l'avaient engagé à adopter ce procédé, et il les avait trouvées suffisantes pour permettre que les comptes fussent mis devant la chambre.¹²

MR. AT. GEN. DRUMMOND dit qu'il s'opposait à cette proposition; que si un tel procédé était adopté, chacun pourrait en faire autant et demander une enquête sur l'officier-rapporteur de son comté, ce qui serait un grand inconvénient, et entraînerait de grandes dépenses; que d'ailleurs il n'y avait aucune requête devant la chambre; que personne ne se plaignait de la conduite de l'officier-rapporteur qui occupait une position distinguée tant dans la société que dans sa profession.¹³

MR. A. DORION, de Montréal, dit qu'il n'était pas nécessaire qu'il y eût de plainte, ni de requête devant la chambre; que si l'officier-rapporteur avait retiré du gouvernement pour ses députés, plus qu'il ne leur avait payé, quand même ces derniers se déclareraient satisfaits, la chambre ne devait pas l'être et devait s'enquérir des faits; que si l'officier-rapporteur avait chargé, pour les hustings, des dépenses qu'il n'avait point faites, personne n'était intéressé à réclamer, mais que la chambre, quand ces faits venaient à sa connaissance, était obligée de faire une enquête.¹⁴

MR. LORANGER s'opposait à la proposition parce qu'il croyait qu'il n'y avait aucun fait devant la chambre qui justifiât une pareille enquête.¹⁵

MR. PAPIN dit alors qu'il n'avait pas voulu entrer dans des détails, afin de ne pas préjuger la question, mais que puisque l'on voulait avoir des faits, il allait en donner; que, par différentes lettres qu'il tenait à sa main, il était informé par plusieurs députés officiers-rapporteurs de différentes paroisses de son comté, que le montant qu'ils avaient reçu était moindre que le montant reçu par l'officier-rapporteur; que de plus il était également informé que, dans un cas, il n'avait rien payé pour le hustings, et qu'il avait chargé trente piastres au gouvernement pour cet objet; que si le gouvernement croyait que des faits semblables devaient passer inaperçus, il espérait que la majorité de la chambre penserait différemment.¹⁶ He had put a majority of ministerial supporters on the committee, the Solicitor General among the rest; and for the Government to refuse the enquiry, was to do an injustice to the officer accused as well as the parties feeling themselves aggrieved.¹⁷

MR. AT. GEN. DRUMMOND demanda alors si M. Papin était prêt à dire qu'il connaissait les personnes qui lui avaient écrit ces lettres, et qu'elles étaient dignes de foi.¹⁸

MR. PAPIN said he had letters from five of the Deputies asserting the facts he had stated to the House. In some instances they had only received half what the Returning Officer had been paid by the Government.¹⁹

MR. AT. GEN. DRUMMOND in that case might feel it his duty to withdraw his opposition to the investigation. He would assure the House the government had no desire to shield an officer guilty of such malfeasance, and had already dismissed an officer from the Registrarship for similar conduct.²⁰

MR. CAMERON prétendit que le procédé adopté par M. Papin n'était pas correct; que le gouvernement devrait prendre cette affaire en mains, et porter une accusation devant les tribunaux; que cette affaire devrait être soumise à un jury.²¹

MR. HINCKS said the house had undoubtedly a right to investigate the matter. It was only a question whether that was the best mode of proceeding. Here the honorable member who was moving for the Committee was to be at once accuser and judge, sitting as its chairman prejudiced and determined beforehand to convict.²²

MR. PAPIN called the hon. member to order. He had no right to make such an assertion.²³

MR. SICOTTE the SPEAKER thought the language unparliamentary.²⁴

MR. HINCKS.--Well, he was opposed to that sort of star-chamber proceeding. The Government either of themselves or through a commission were the parties to investigate such a matter.²⁵

MR. J.S. MACDONALD (de Glengary) dit que c'était à la chambre à procéder sur cette matière, et que l'affaire était de son ressort et de sa compétence.²⁶

MR. TURCOTTE était en faveur de la proposition de M. Papin; il était urgent d'en venir à une décision par une enquête. M. Archambault, l'officier-rapporteur en question, était un des commissaires en chef nommés en vertu de l'acte seigneurial. Il avait toujours eu une haute opinion de lui, et il espérait qu'il se justifierait des accusations portées contre lui; mais il fallait procéder sans délai; le public était intéressé à ce qu'un jugement immédiat fût prononcé sur le caractère d'un homme qui occupait une semblable position, et à savoir s'il était coupable ou non.²⁷

MR. DUFRESNE s'opposait à la motion parce qu'on proposait de nommer sur le comité quatre membres du Haut-Canada pour juger une affaire du Bas-Canada; que ces messieurs ne comprenant pas le français, ne pourraient pas apprécier les témoignages qui seraient donnés devant eux.²⁸

MR. PAPIN dit qu'au contraire il avait voulu choisir des membres du Haut-Canada afin qu'on ne pût pas prétendre qu'ils agiraient par préjugé ou par faveur, vu qu'ils ne pouvaient avoir aucun motif pour ou contre l'individu inculpé; que les quatre membres qu'il proposait, savoir: M. le solliciteur-général Smith, M. Langton, M. Rankin et M. McDonald de Glengary comprenaient et parlaient parfaitement le français, et qu'il les avait choisis pour cette raison; qu'on ne pouvait pas se plaindre de la formation du comité, parce que la majorité était ministérielle.²⁹ ((He)) confirmed the statement respecting Mr. Archambault's high character; so highly in fact had he esteemed him that he had himself submitted his name among others to the Attorney General for the

appointment he had received. That appointment had been approved of also by the Municipal Council of the County. To show too how utterly ungrounded were the accusations of the hon. member for Renfrew about his personal prejudices, he read from a letter to show that he had been on terms of friendship with the accused. He only acted now from a strict sense of public duty. He was not surprised, however, at such a charge coming from that hon. member, for he was in the habit of abusing everybody who differed from him.³⁰

MR. CHAUVEAU ne croyait pas qu'il fût besoin de requête pour s'occuper de cette affaire; que la parole d'un membre donnée en chambre, valait bien une requête et était suffisante pour engager la chambre à prendre action sur les faits ainsi signalés à son attention, mais que dans son opinion l'enquête devrait être faite par le gouvernement et non par la chambre.³¹

MR. AT. GEN. DRUMMOND thought the investigation should be left in the hands of the Government in the meantime, and he would pledge himself no time would be lost in carrying it through. He would telegraph immediately to Mr. Archambault, and the Secretary would write him a formal letter in the morning. If the progress of the Government was not satisfactory the hon member might renew his motion, and he would vote for it. It was true the gentleman in question was a commissioner under the Seigniorial Tenure Act, and the character just given of him by the member for Maskinongé fully justified the Government in their selection. He would move the amendment to postpone the further consideration of the motion till the 25th.³²

MR. BROWN s'y oppose en disant que cette affaire était devant la chambre depuis près d'un mois, que M. Archambault était venu à Québec où il avait passé plusieurs jours depuis que M. Papin avait fait mettre ses comptes devant la chambre; que le gouvernement, s'il eût voulu avoir des informations, avait pu les obtenir plus tôt.³³

MR. HOLTON demanda alors au procureur-général si, en faisant remettre cette affaire au 25, le gouvernement entendait alors prendre cette mesure en main, comme mesure du gouvernement.³⁴

MR. AT. GEN. DRUMMOND répondit qu'oui et que le gouvernement s'engageait à faire une investigation immédiate et qu'il allait de suite télégraphiser à M. Archambault.³⁵

(847)

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Cartier, and the Question being put, That the further consideration of the Question be postponed until Wednesday the twenty-fifth instant; the House divided:--And it was resolved in the Affirmative.

MR. FELTON moved, at half-past five, that the orders of the day be now read. The next two notices on the paper, if entered ... up nearly the whole evening.³⁶

MR. LANGTON, before that motion ... asked permission to move that Wednesday ... pointed to notices of motion. (No! no!)³⁷

MR. SICOTTE the SPEAKER decided that Mr. Langton's motion could not be taken out of its order, without the unanimous consent of the House.³⁸

(848)

Mr. Felton moved, seconded by Mr. Poulin, and the Question being put, That the Orders of the day be now read; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Bourassa, Bowes, Brown, Chapais, Chisholm, Christie, Church, Cook, Crawford, Crysler, Daly, Darche, DeWitt, DeWitt, Dionne, Jean B.E. Dorion, Felton, Frazer, Gamble, Gill, Gould, Guévremont, Hartman, Holton, John S. Macdonald, Roderick McDonald, Mackenzie, McCann, Matheson, Mattice, Merritt, Munro, Patrick, Poulin, Pouliot, Rolph, James Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Terrill, and Young.--(49.)

NAYS.

Messieurs Blanchet, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chauveau, Clarke, Jean B. Daoust, Desaulniers, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Fergusson, Ferrie, Foley, Thomas Fortier, Fournier, Huot, Jobin, Labelle, Laberge, Langton, Laporte, Larwill, Lemieux, Loranger, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, Marchildon, Masson, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Papin, Prévost, Rankin, Rhodes, Robinson, Solicitor General Ross, Stevenson, Thibaudeau, and Turcotte.--(51.)

So it passed in the Negative.

MR. J.S. MACDONALD (Glengary), moved--"That the Return to the Address of this House, of 12th March, 1855, for copies of all Orders in Council, and of all correspondence and official reports touching a certain claim of Clarke Gamble, Esquire, for scrip and land, founded on the original claim of the late Oliver Everts, for 1500 acres of the Crown domain, be referred to a Special Committee of five members, to be composed of Messrs. Langton, Rankin, Holton, Prevost, and the mover, with power to send for persons, papers and records."³⁹

((He)) said, the notice on the paper in relation to the land claim of which he was about to speak indicates the object he had in view, and before proceeding further he desired to observe that having no interest whatever in the claim, and being, moreover, on terms of personal courtesy with Mr. Clarke Gamble for many years, and entertaining a high respect for him, he must stand acquitted of harbouring any hostile feelings towards that gentleman, whose name has necessarily become mixed up with this transaction. The return which he moved for has been before the House in printed form for several days, and honorable members have had ample time to examine the documents bearing on this case, which he hoped would claim the serious attention of the House, in as much as the discussion on the motion would open out certain facts which but for this return would most likely have remained among the secrets of the Council Chamber, when this claim was recognized and sanctioned contrary to the usual preliminary routine in relation to claims for lands which require the special consideration of the Executive Council. He (Mr. Macdonald) would remark at this stage of the debate, and he called the attention of the House and the Commissioner of Crown Lands, now in his seat, to the fact that in the return asked for from the Government, no report appears to have been made by the Commissioner of Crown Lands either in respect to the claim of Mr. Gamble in 1844, or that made to the present Government since their accession to office. This omission has a significance which can be best understood by those who know the almost universal practice of the

Government in requiring the Commissioner of Crown Lands to report on any application for lands, and a very proper course to be observed in order that when the Committee of the Executive Council are called upon to decide how the claim should be disposed of, they would be sure to have before them all the facts and circumstances connected with the case from its first recognition by the land department down to the day of its investigation. The Commissioner or his chief clerk is called upon by an order of Council made several years ago to give, in addition to detailing the particulars including counter claims, his own opinion upon those facts; well, then, do we find any such report here? Not a word! He would venture to assert that there is a report which has been kept back, but if the Commissioner of Crown Lands will say that there is no such on file, then he (Mr. McD.) would at once withdraw the charge.⁴⁰

MR. COM. CR. LANDS CAUCHON here explained that he ordered the Clerk of the Council to furnish all the papers which the address called for, and if any paper was omitted he would see that it would be sent down to the House. He also stated that he knew very little of the case, though he was a member of the Government on the 26th February last when the order passed. He did not report on the case.⁴¹

MR. J.S. MACDONALD proceeded to state that this claim was of a class which it has been the steady policy of the Government since 1st January, 1843, to repudiate, and the revival or recognition of them in 1855 was in his humble view not only a bold stroke but an unwarrantable proceeding on the part of the government, who, it would appear, have acted on the advice of the honorable Solicitor General West. That honourable gentleman no doubt will endeavour to justify the opinion given by him, and with reference to which he would here call attention to the case of George Shaw, quoted in the report, as the only precedent offered by the honourable Solicitor General in support of his own decision in the Gamble case. The Report is as follows:--

"On the application of George Shaw for scrip to the amount of 1200 acres, as heir at law of the late David Shaw, one of the sons of the late Hon. Aeneas Shaw.

"By order in Council of 1796, each of the children of the late Major General Aeneas Shaw was granted 1200 acres of land; but the above mentioned David Shaw, uncle of petitioner, by a sudden death, was prevented from availing himself of the privilege conferred by the order in council in question on all his brothers and sisters: Petitioner now prays that the claim of the late David Shaw may not be considered to have expired with him, but be continued to petitioner as his heir at law.

"The committee recommend that scrip issue to petitioner to the amount of 1200 acres, upon payment of a patent fee of 5L 11s. 1d. sterling."

If the Solicitor General will really take issue in the propriety of the action of the Tory Government of 1848, who, six days before they were turned out of office on this Shaw claim, he (Mr. McD.) would be willing to admit that the Solicitor General's opinion in the Gamble one is correct; but he would clearly show that the Shaw claim was passed in the teeth of the statute of 1841, which became law in 1842; and that five years after that law bound the government to refuse claims like the one last quoted. The Shaw order above was passed; the 4th clause of the 4th and 5th Victoria, chapter 100, and which is the one he referred to, enacts "that all claims for land under any order in Council or other regulation of the government now in force and heretofore allowed by

competent authority, or which shall hereafter be allowed by the Governor in Council, shall be commuted for land scrip or orders for nominal sums of money to be issued by the Commissioner of Crown Lands, and such scrip shall be received as money upon all sales of lands of the Crown in this Province," and notice what are the express words of the 13th clause of the same act:

"And be it enacted, That no new claims founded upon any regulation or order of the government shall be allowed or entertained, unless made before the first day of January, which will be in the year of our Lord, 1843, except when the parties originally interested and claiming, shall be under the age of twenty-one years on the said day."

Now, upon what pretence this claim was allowed he could never discover; it was clearly excluded five years before, and the party claiming could not advance nonage; and yet this is the rotten authority, and the only one quoted by the Solicitor General. Could he have found another, depend on it, that reference would have been made thereto. He would therefore repeat, that the claim of Shaw was illegally allowed, and would further assert, that since 1843, up to this period, no claim like that of Shaw's was allowed by any government that has been in office; but that all such have been uniformly rejected; nor, as he before observed, did the community know that such a right to scrip had been recognized. Then, with regard to the Gamble claim, he (Mr. McD.) with a view to the better understanding of the case, would quote from Mr. Gamble's petition, dated 24th Oct., 1854:

"That in the year 1843, your petitioner, through his agent, applied for scrip for this claim, but a report was adopted in Council unfavorable thereto, and a decision was come to by which a new rule was laid down for claims of a similar character, commencing with that of your petitioner.

"That your petitioner has accidentally heard, very lately, that claims similar to that of your petitioner, have, since the decision in his case, been recognized by the government, and would refer more particularly to that of George Shaw, whose application for twelve hundred acres of land, all heir at law of his uncle David Shaw, was allowed in February, 1848, and will be found to differ on no material point from that of your petitioner rejected in 1848."

He would like to know what was (sic) the other claims to which Mr. Gamble referred, and is it not strange that from the numerously rejected claims since 1843, Mr. Gamble was the first to know that Shaw's claim had passed; there were none Mr. Speaker. Now let us read what the author of the act of 1841, Judge Draper, says about Mr. Gamble's claim in 1844, when the administration of Lord Metcalf was composed of Messrs. Draper, Morris and Daley. Here it is in full:

"The committee of council, on examining the claims of Clarke Gamble, Esq., assignee of Henry Sherwood, Esquire, assignee of George Everts, eldest son and heir at law of Oliver Everts, are of opinion that there is no subsisting right to the grant prayed for.

"It appears that in the year 1794, Mr. Oliver Everts was granted for his services, 500 acres of land, free of fees, as Clerk and Inspector of Accounts in the Engineer Department, and Storekeeper in the Quarter Master General's Department, which grant passed under patent.

"That he prayed for an additional grant of 1,500 acres, as a settler, under the regulations adopted in 1797, that is to say, payment of six pence sterling for each acre patent fee, and at the rate of 1L 4s 9d, sterling survey fee, for each 200 acres, which was ordered, July 3rd, 1789.

"That in 1820, he petitioned to have the claim ... stating the quantity at 1,000 acres, ... which petition, no order was made.

"That in 1834, George Everts, as eldest son and heir at law of Oliver Everts, petitioned to have a location made, in order to enable him to claim as heir at law of the original nominee, which was ordered.

"That the location has not since been made, or any proceedings taken, until the present petition.

"The committee think that the parties allowed grants of land during the continuance of the land granting system, as settlers were bound to proceed in a reasonable time to carry the orders into effect.

"The regulations under which the grants were ordered, were intended for the then state of the country, and cannot be held to apply, at a time nearly half a century afterwards, and when the mode of disposing of land by grant is abandoned. The object of the order in favor of Mr. Everts was, firstly: settlement of the land; secondly, the receipt of the fees for the use of the government; the first of these could not be obtained by a grant of scrip, and the payment of these fees, at this time cannot be taken as an equivalent for a like payment in 1798. The grant of scrip would, in fact, be a gratuity, whereas the order for land was a species of proposal to sell under regulations which have long ceased to be in existence."

Most clearly does this report show only the right set up for scrip should not be recognized, and if the arguments and reasons then given were sound and the positions laid down were undeniably correct, what has transpired since 11 years past to justify the renewal in 1855 of this rejected claim? The original grant having been made on certain conditions which Oliver Everts undertook to perform, but which he, nor no one since, ever did perform, it was destined for the learned Solicitor General to repudiate the discreet decision of so eminent a lawyer as Judge Draper, and thus to fasten, not only the satisfaction of this claim, but those of thousands of others of a similar character in the public lands of Canada, from which the people reasonably look for a revenue, to aid in the extinction of our enormous liabilities here and in England. Now, sir, as to the final action of the Government in this celebrated opinion of the Solicitor General, which he would read, remarking at the same time as before alluded to, the absence of any report from the Crown Land Department, which, perhaps, on this occasion it would not be convenient to have, as it was certain that a strong remonstrance would have been made against the pretended right, as no doubt had been done on all occasions where similar applications were made. He would desire the House to bear this part particularly in mind as bearing on the unusual course adopted in the secrecy of the Council Chamber:--

"On the petition of Clark Gamble, Esquire, representing that in the year 1843, he applied, through his agent, for scrip for his claim as the assignee of the right of one George Everts, heir at law of Oliver Everts, deceased, to fifteen hundred acres of land, that although this claim was acknowledged by an order in Council, dated 7th August 1834, a report was adopted in the year 1844, unfavourable thereto, and a decision was come to by which a new rule was laid down for claims of a similar character, commencing with that of the petitioner: that he has heard very lately that claims similar to this have, since the decision in this case, been recognized by the Government, among others, that of George Shaw, whose application for twelve hundred acres of land, as heir at law of his uncle David Shaw, was allowed in February, 1848, and this claim of the petitioner having become of considerable importance to him, he now urges the same, in the confident hope that he may receive the same measure of justice as has been meted out to others similarly situated.

"By the land act now in force no free grant of land can be made; nor can scrip be issued in satisfaction of land claims, but the Solicitor General for

Upper Canada having, by his report of 9th December last, stated his opinion, that the present claim has not been invalidated by the land acts passed since 1842, at which period it was clearly converted into a claim for scrip which has never been satisfied, the only course which, under the peculiar circumstances of this case, the committee can recommend is, that the applicant be allowed to purchase the quantity of land to which he is entitled, at the reduced valuation of one shilling per acre, and on payment of the patent and survey fees, viz: 51L 19s 7d., to which the original claim was subject."

You have, Mr. Speaker, a rejected claim, converted, after a lapse of sixty years, from the first order to Oliver Evert's, into a bona fide one, giving 1500 acres of land to Mr. Gamble for 1s. per acre, on paying, besides, the fees for survey and for patents. He would again assert that this was a fatal step for the Government; for, besides a departure from the settled policy of all former Governments, Tory and Reform, in discountenancing this class of claims, the door is now open for countless claims in the hands of speculators who will pounce on the public domain for the choicest locations in Canada. He (Mr. McD.) felt that he had done no more than his duty in bringing this matter under the notice of the House. The effect of this disclosure would, at all events test the views of this House as to the expediency of opening up those old claims, of which he himself knew the existence of many; also, if they are to be revived, that the advantage will not accrue to Mr. Gamble alone, as did the only decision in 1848 to Mr. George Shaw, down to this time, but that a much more deserving class of claims, founded on faithful services to the Crown, of a more modern date, which, by the policy now set aside by this late decision, have been excluded, may receive equal consideration with that of Mr. Gamble from the hands of this coalition Government. He omitted to allude to the Land Act of 1853,⁴² 16 Vic. cap. 159⁴³, in the third clause of which, the Legislature, being anxious that, whilst repealing all former Acts, there should be no loophole whereby to sanction the unlocated rights of the only claims which the Government, since the Draper Administration, had at all recognized as entitled to scrip, as no land since the Act of 1841, could be granted, expressly provided that these, viz., Militia, United Empire Loyalists, and Military Rights--clearly showing that the public domain was now to be freed from even such claims.⁴⁴

MR. SOL. GEN. H. SMITH.--This is neither of them.⁴⁵

MR. J.S. MACDONALD.--Not a military right?⁴⁶

MR. SOL. GEN. H. SMITH.--No--a settler's right.⁴⁷

MR. J.S. MACDONALD.--Oh! he intended then to take shelter under that pretext.⁴⁸ ((He)) will plead that as settlers' rights, like Evert's, which, as he (Mr. McD.) has already proved, had never been recognized since 1842, and not mentioned in the same clause, they must be taken to have been revived for consideration. He would scarcely expect that such a flimsy excuse, or so absurd a justification, will be attempted, in the face of the universal decision of all governments against such claims.⁴⁹ If such claims were to be reopened there would be a perfect avalanche of them poured in on the Government. There were a great many holding better claims, those actually located, but declared forfeited for non-performance of settlement duties. It would probably take 300,000 acres of land to satisfy such dormant claims.⁵⁰ The Committee, he observed, would enquire into the matter, and would lay before this House evidence of the amount

of liabilities to which the Provincial domain would be exposed; and if the report were found to contain strong reasons against the policy adopted, the sense of the House might point to the necessity of enacting a law which would put a stop to the description of favoritism which has induced this inquiry.⁵¹

MR. COM. CR. LANDS CAUCHON said that the honourable gentleman had made many appeals to him as to matters of fact. He would state therefore that the question was under the consideration of the Government before he belonged to it, but the order in council was passed after he became Commissioner of Crown Lands. All the papers in the case, he believed, had been brought down, but if any paper had been omitted, he would take care that it should be placed before the House that a correct decision might be arrived at. As to the price of the land to be given under the order, when it came down to the Crown Lands office, the clerk to whose department the matter belonged, asked what should be done, and he decided that as the claim had been for scrip at 4s. an acre, the petitioner ought to have 4s an acre land.⁵²

MR. J.S. MACDONALD (Glengarry).--That is not in the order.⁵³

MR. COM. CR. LANDS CAUCHON.--The order does not say anything against it.⁵⁴

MR. SOL. GEN. H. SMITH said he had never seen the honourable member for Glengary display so much earnestness, or such a desire to accomplish some particular object, as he had done on the present occasion. But he should have stated that object plainly, which was to move a vote of want of confidence in the Government, his motion being based on the assumption that the present Government was unworthy of the seats they occupied, and that he (Mr. M.) was the only individual fit to take possession of the Crown Lands Department. He admitted that the honourable gentleman knew a good deal about the Crown Lands, for he was one of the greatest speculators in Crown Lands in the whole country. But, if he had stated the present case fairly, it would have been seen that the Government had only done in it what any honest Government should. The honourable gentleman had alluded to the case of David Shaw. With that the Government had nothing to do, but they did not shrink from the responsibility of what had been done on the claim of Mr. Clarke Gamble. One important feature of the case had not been stated, that the claim of Everts to locate not 4s. land but the best land in Upper Canada, subject to a payment of 51L of fees, had been recognized in 1834 by an order in Council of the Upper Canada Government, and in view of that, Mr. Sherwood, then Solicitor General, became purchaser of the claim, and from him Mr. Clarke Gamble purchased it so long ago as 1839 or 1840, for the sum of 300L.⁵⁵ It was a good claim against the Government for fifteen hundred acres of land on payment of 50L. Then the law passed in 1851, by which it was enacted that on payment of fees on grants where fees were payable, and without fees where the grant was free, the Crown Lands Department should issue scrip for the nominal amount of 4s per acre. The law therefore took away the right to choose land, and gave only the right to take land at 4s per acre.⁵⁶ He applied, accordingly, to the Government in 1843, but that Government refused his claim, in violation of the law.... He cared not whether this was in pursuance of the opinion of Mr. Draper or not. If the Government of 1843 and 1844 adjudicated erroneously on the case, it was not his (the Solicitor General's) duty, holding the position he did, to advise Her Majesty's Government to correct the error that had been committed. The opinion given in 1843 was not, however, drawn by

Mr. Draper, although he was responsible for it, and it was faulty in this, that it lost sight altogether of the report of 1834 in favour of the heirs at law of Oliver Everts. The present Government, seeing that that error had been committed, were not afraid to remedy the injustice. The honourable gentleman had referred to the act of 1853, but he (the Solicitor General) maintained that the intention of that act was to leave with the Government in Council the power of dealing equitably with all those cases. And then the honourable member spoke about the many thousands of acres of claims that must come up, if this claim was allowed to pass. He could tell him, however, that the Government knew very well what they were doing, and that they had no intention of opening those claims. But in the present case, a claim having been rejected which had an order in Council to back it, and the decision having been made on it contrary to law and justice, they felt that they had a right to interfere. And what did it all amount to? After paying 1s. an acre and 51L fees, all that Mr. Clarke Gamble could receive under this order was 173L in land, and for this many years ago he had paid 300L. The claim having been recognized by an order in Council in 1834, he considered that the faith of the Crown was pledged to it.⁵⁷ Coming back to the act of 1853, he said that that was particularly applicable to militia land and United Empire claims.--This was neither of these cases. The claimant on settlers' titles had to pay fees and very heavy dues. Shaw's case was therefore not nearly as strong, for there only 5L had to be paid, while here 51L was paid.⁵⁸

MR. BROWN said he did not know how lawyers might look at this case, but for his own part, looking at ((it)) in a plain common sense view, he must say that he could not regard it in the same light as the hon. Solicitor General West. The Solicitor General asked the House to look at this claim as one to which the faith of the Crown was pledged. Now he (Mr. Brown) apprehended that Everts had no claim whatever, properly so called, on the Government. It was a simple bargain, that if Everts performed certain settlement duties he should have a certain location of land. But had those settlement duties been performed to this very day? It was not pretended that they had been, and where was the justice in reviving now what was not even a claim sixty years ago? (Hear, hear.) Another condition of the grant was the payment by Everts of 52L of fees, which with interest would now amount to 250L. But not a sixpence of that had been paid. Where then was the claim to which the faith of the Crown was pledged? How could it be pledged if not one single condition on which the grant was made had been complied with? (Hear, hear.) He perfectly agreed with the opinion expressed by Mr. Draper and the government of 1844. He considered it was a fair and proper decision that they came to. That decision, given by the Executive Council, at the time the present Justice Draper was Attorney General, was as follows:

"The Committee of Council, on examining the claim of Clarke Gamble, Esq., assignee of Henry Sherwood, Esq., assignee of George Everts, eldest son and heir at law of Oliver Everts, are of opinion, that there is no subsisting right to the grant prayed for. It appears, that in the year 1794, Mr. Oliver Everts was granted, for his services, 500 acres of land, free of fees, as Clerk and Inspector of Accounts in the Engineer D((e))partment, and Storekeeper in the Quarter Master General's Department, which grant passed under patent. That he prayed for an additional grant of 1500 acres, as a settler, under the regulations adopted in 1797, that is to say payment of sixpence sterling for each acre patent fee, and at the rate of 1L 4s. 9d. sterling survey fee, for each 200

acres, which was ordered, July 3d, 1798. That in 1820, he petitioned to have the claim confirmed, stating the quantity at 1000 acres, upon which petition no order was made."

So absurd was the claim felt to be by the petitioner himself, that he reduced the quantity asked for to 1000 acres. (Hear, hear.)

"That in 1834, George Everts, as eldest son and heir at law of Oliver Everts, petitioned to have a location made, in order to enable him to claim as heir at law of the original nominee, which was ordered."

He was ordered to make a location, but did he make it? Not at all. No location was made, no settlement duties were performed, no money was paid, and none was paid yet.

"That the location has not since been made, or any proceedings taken, until the present petition (that of 1843.) The committee think that the parties allowed grants of land during the continuance of the land granting system, as settlers were bound to proceed in a reasonable time to carry the orders into effect."

That certainly was the common sense view to take of the case. A bargain was made in 1798 when few settlers were in the country, and when strong inducements had to be held out to settlers, that if Everts should within a certain time, comply with certain conditions he should have a grant of land assigned him. But that his representative should come sixty years afterwards, and obtain a grant, without any of these conditions as to settlement having been complied with was so ridiculous that he wondered any one should venture to palliate it.⁵⁹

MR. CAMERON.--There were no settlement duties in this case.⁶⁰

MR. BROWN.--The hon. gentleman would have an opportunity of showing that if he could; but Mr. Draper's decision, very plainly shewed the contrary. He said:

"The regulations under which the grants were ordered, were intended for the then state of the country, and cannot be held to apply, at a time nearly half a century afterwards, and when the mode of disposing of land by grant, is abandoned. The object of the order in favour of Mr. Everts was, firstly; settlement of the land; secondly, the receipt of the fees for the use of the Government; the first of these could not be obtained by a grant of scrip, and the payment of these fees, at this time, cannot be taken as an equivalent for a payment in 1798. The grant of scrip would, in fact, be a gratuity, whereas the order for land was a species of proposal to sell under regulations which have long ceased to be in existence."

Such was the opinion of Mr. Draper; the grant of scrip by the Government in such circumstances he held would be a gratuity, for which no consideration had been received, to which no claim could be set up. The case was so clear that he could not conceive how any hon. member who regarded the interests of the country could hesitate for a moment to support the resolution introduced by his hon. friend from Glengary. (Hear, hear.) And how had the order in Mr. Clarke Gamble's favour been made? They had here the Report of Council unaccompanied by any Report, as was the universal rule in such cases, from the Commissioner of Crown Lands. There were some who did not hesitate to say that there had been a Report from the Crown Lands Commissioner against the claim, but that in spite of this adverse Report, it was granted by the Government, on the legal argument of the Solicitor General, with which the House had been favoured to-night. If it were true that the country was pledged to give these 1,500 acres of land, why was not that pledge carried out, instead of the grant being made at a shilling

an acre? Simply, because, if a free grant had been made, the matter must necessarily have come before the country, while it was hoped that, by its being sold at the nominal price of a shilling an acre, it would never be publicly heard of. (Hear, hear.) The Government could not grant the lands for nothing, on account of the Act introduced by Mr. Price, which appropriated the public lands to common schools, but they had evaded the law by charging a nominal price. As his hon. friend from Glengary had shewn, if they endorsed this proceeding, there would be a whole host of similar claims immediately poured in upon the Government. He considered the proceeding was one which should not be sustained by the House in any shape, and he hoped the Committee would be granted, that the whole affair might be enquired into, and that it might be known how many claims of the sort were likely to come before the Government, if the rule adopted in this case were to be carried out. If the House did not grant this Committee, they would not be doing justice either to themselves or to the country. What was the use of passing an Act of Parliament to say that the Governor should not give away the public lands gratuitously, if the law was to be evaded in this way by the Government giving lands at a nominal price to their political friends.⁶¹

SOL. GEN. H. SMITH.--Hear! hear!⁶² ((He)) complained of what Mr. Brown said about political partizans.⁶³

((MR. BROWN continued:)) The hon. gentleman might cry hear! hear! but if he (Mr. Brown) had had such a claim, and petitioned the Government for land, did the House suppose he would have got it? Not a bit of it,--(Hear, hear.) No doubt the Solicitor General imagined that he was acting fairly, but it was only natural that in judging of such a claim he should be influenced by a political bias. If he (Mr. Brown) had made the claim, he would, no doubt, have been shown Mr. Draper's Report, and told--there--Mr. Draper has decided against you,--one of the justices of Upper Canada, a lawyer of first-rate standing. He was quite sure the Solicitor General would not have told him, as he tells us to-night, that he did not care what Judge Draper's opinion was. (Hear, hear.) There were principles involved in this matter of very great importance, and he felt they would not be doing their duty, if they refused to grant this motion. (Hear, hear.)⁶⁴

MR. HINCKS said that the motion of the member for Glengary was an attempt, by a side-wind, to get the House to express want of confidence in the ministry, in regard to this particular transaction. His proper course was, not to move for a committee, but to bring in a substantive motion. Of what advantage would be a committee, with the member for Glengary as chairman, who, it was very evident, had already made up his mind to condemn the course of the Government. Why did he not move at once that the conduct of the Government had been corrupt and improper, and let hon. members who had the papers before them pronounce upon the matter directly? If any document was wanting, it was competent for the House to ask for it. The member for Lambton insinuated that the Solicitor-General had given a partial report, because the claimant was a political friend, and said that if it had been his (Mr. Brown's) case, he did not believe the Solicitor-General would have so reported. The hon. gentleman had no right to impute any such motives to the Solicitor-General, in regard to the opinion he had given to the Government, as a professional man. In all his experience as a member of the Government, he had never known a single case of that description which had been decided on party grounds.⁶⁵

MR. MACKENZIE would say that such a thing had been mentioned in the Randal affair.⁶⁶ ((He)) said he knew of some such instances. In the present case, some underling of office, in 1794, besides being paid for his services, got a grant of 1500 acres of Crown lands, which he was to receive on paying certain fees, and on undertaking to settle the lands. Those conditions never were performed; but sixty years passed, and the ministry now, having a political friend to serve, decided that the decision of Mr. Draper's Government in 1844, should be set aside. Was this a new policy? No.⁶⁷ Thus it was pretended that the Draper government was incompetent to decide. It must be either because they were ignorant or dishonest. It was all of a piece.⁶⁸ To whom had all the best lands of the country, in former times, been given, but to the Boultons, the Sherwoods, the Gambles, the Robinsons, and men of their description? Were they not the Family Compact, who grasped at everything?⁶⁹

MR. ROBINSON.--The hon. gentleman has alluded to the Robinsons. I would like him to name a single instance of the kind in which they were concerned.⁷⁰

MR. MACKENZIE said it was a matter of public notoriety, and he did not want to take the dead out of their graves. But in 1836, when he asked from the hon. gentleman's brother an account of his department, he got a paper showing how nicely it all stood--not a dollar of it behind--but only a few days afterwards, the man was a bankrupt!⁷¹

MR. ROBINSON.--And paid every thing to the Province in Cash.⁷²

MR. MACKENZIE proceeded to say that the whole family had fattened on the country.⁷³ What right had any-body basking in the sunshine of governmental favour to go on in this way.⁷⁴

MR. PRES. EX. COUN. MACNAB.--Order; order.⁷⁵ He denied that any one had a right to bring charges against a late officer of the Government, in a debate of this sort.⁷⁶

MR. SICOTTE the SPEAKER.--I think the hon. member was speaking to the question.⁷⁷

MR. PRES. EX. COUN. MACNAB.--I do not think he was speaking to the question. (Chair! chair!)⁷⁸

MR. MACKENZIE said the member for Simcoe had asked him a question, and he had answered it. And how had his brother, the Chief Justice, acted in the Randall case?⁷⁹

MR. PRES. EX. COUN. MACNAB asked whether the hon. member was speaking to the question, in alleging that Chief Justice Robinson had acted improperly in the Randall case?⁸⁰

MR. SICOTTE the SPEAKER.--The hon. member has not charged him with acting improperly. He has simply asked how he acted.⁸¹

MR. MACKENZIE did not say he acted improperly; but how did he act?⁸² ((He)) then proceeded, notwithstanding several interruptions from the Premier, to give

a history of the Randall case, alleging that the claim in that case, although a much stronger one, than Mr. Gamble's, had been refused, but that a portion of the land in question had been given by the Hincks Government to Mr. Malloch, he believed on party grounds.⁸³ In the present case he did not say it was because it was Mr. Gamble that the land was granted. But he did not think it would have been granted to W.L. Mackenzie.⁸⁴

MR. PRES. EX. COUN. MACNAB said, the insulting language which had been used by the member for Haldimand, had it been used in regard to a brother of his, he believed, might have transported him beyond the bounds of reason.⁸⁵ He would not allow him to do so out of that House.⁸⁶

MR. SICOTTE the SPEAKER.--Order.⁸⁷

MR. PRES. EX. COUN. MACNAB.--I am in order. You have allowed him to say that Mr. Robinson gave in his accounts "nicely"--as if they were not all correct⁸⁸, and that a few days afterwards he became a defaulter to a large amount. The statement was not true; and he asked whether it was right that a member of Parliament should be allowed to propagate such a slander from his place in this House?⁸⁹

MR. MACKENZIE.--I will say it anywhere.⁹⁰

MR. PRES. EX. COUN. MACNAB.--The bad tongue of a bad man injures no one (Order!)⁹¹ No man was more respected than the member for Simcoe, and it was shameful that he should be assailed by one who had spent⁹² his whole life in clipping from newspapers everything that is bad--everything that has ever been said against any honest man in the Province.⁹³

MR. SICOTTE the SPEAKER.--Order! The hon. member for Haldimand merely professed to cite, when called upon to do so, cases in which grants had been made from political motives. But the Premier has no right to use such language as he is now doing.⁹⁴

MR. MACKENZIE had professed to state a fact.⁹⁵

MR. PRES. EX. COUN. MACNAB.--Is it because a man says a thing as a fact, that any gentleman is to be annoyed by insulting language?⁹⁶

MR. MACKENZIE.--When a member says any language is insulting, he is insulting the Speaker.⁹⁷

MR. PRES. EX. COUN. MACNAB.--That language ought not to be permitted, as not belonging to the case before the House.⁹⁸

MR. SICOTTE the SPEAKER.--Order! I have ruled it had reference to the matter in dispute, and if you wish to appeal from my decision to the House, you may do so.⁹⁹

MR. PRES. EX. COUN. MACNAB.--I have every desire Sir, to treat you with respect, but I am not bound to adopt your opinions.¹⁰⁰

MR. SICOTTE the SPEAKER.--I beg the hon. gentleman will address himself to the question before the Chair. (Chair! chair!)¹⁰¹

MR. PRES. EX. COUN. MACNAB then alluded briefly to the Gamble case, and said that surely the House could not believe that, in order to give a favourite 170L worth of land, a Government could be so corrupt as to issue an order, robbing the country of that amount.¹⁰²

MR. CAMERON contended that the statute of 1841 and 1842, which the member for Glengary had cited, rather made against than in favor of his case. When the order was made by the Draper government, it was plain they overlooked the fact of the order of 1834 having been made--and consequently, overlooked with it the application of the statute to that order. There was, indeed, under the Act of 1841, no necessity whatever for any location; but, on the contrary, the government was expressly bound by that Act to place parties in the position where Mr. Gamble was placed by the law. Neither was there any obligation of settlement, as seemed to be supposed. Fifteen years ago Mr. Gamble paid 300L for this claim. That with interest, was 800L; and yet the government, instead of giving what he was entitled to, charged him 1s an acre, and gave him land only at 4s per acre. All that he got was the value of some 165L, deducting the patent fee of 51L. As to the statute of 1853, there was nothing in it to prohibit what had been done; but that law did not apply to cases which arose before the passing of the statute. He did not fear that the thousands of claims which were talked of would arise, but even if they did, that was not a reason to do injustice. It was plain that the Solicitor General had gone into the question much more thoroughly than the government of 1844.¹⁰³

MR. J.S. MACDONALD (Glengarry) replied to the arguments of those who had spoken against his motion. The Solicitor General had alluded to him as a speculator in Crown Lands. If he had had anything to say against him as a speculator he would have done it. But if he had bought any Crown Lands, he had paid the Government all they had asked. (Hear, hear.) He repeated that this was the first instance since the Land Act of 1842 was passed, in which the Government had departed from the policy of refusing scrip to all parties who had not complied with the conditions of the grant. The Solicitor General had ventured to cast discredit on the opinion of Justice Draper. But that distinguished Judge could well enough afford to laugh at an assertion by the Solicitor General that he had given an unsound opinion.¹⁰⁴

MR. FOLEY spoke in favour of the motion, and quoted at length from the Land Statutes to show that the Government had acted in violation of the law in granting Mr. Gamble's application.¹⁰⁵

MR. MERRITT said it was absurd to talk about this being a vote of want of confidence. No man in his senses would bring forward such a vote; but it was a vote of enquiry, and now, could any information be got if the ministry met every demand by declaring it a vote of want of confidence, and so compelling all their followers to vote against it. Suppose it was voted that they had done wrong, must they be turned out? No.¹⁰⁶

Mr. Macdonald's motion was then negatived¹⁰⁷.

(848)

The Honorable John Sandfield Macdonald moved, seconded by Mr. Brown, and the Question being put, That the Return relative to a certain claim of Clarke Gamble, Esquire, for Scrip and Land, founded on the original claim of the late Oliver Everts, for fifteen hundred acres of the Crown Domain, presented on the twenty-first of March last, be referred to a Select Committee of five Members, to be composed of Mr. Langton, Mr. Rankin, Mr. Holton, Mr. Prévost, and the Mover, to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Biggar, Bourassa, Brown, Bureau, Christie, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Fergusson, Ferrie, Foley, Fraser, Freeman, Gould, Hartman, Holton, Huot, Jobin, Laberge, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Mattice, Merritt, Munro, Papin, Prévost, Rolph, Sanborn, Scatcherd, and Young.--(34.)

(849)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, DeLong, Desaulniers, Dionne, Attorney General Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Hincks, Labelle, Langton, Laporte, Larwill, LeBoutillier, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Murney, Niles, O'Farrell, Poulin, Pouliot, Powell, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, and Turcotte.--(68.)

So it passed in the Negative.

Mr. Felton moved, seconded by Mr. Poulin, and the Question being put, That the Orders of the day be now read; the House divided: and the names being called for, they were taken down, as follow:--108

YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Bourassa, Brodeur, Brown, Bureau, Cartier, Cayley, Chabot, Chapais, Chisholm, Christie, Church, Cook, Crawford, Crysler, Daly, Charles Daoust, Darche, DeLong, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Felton, Octave C. Fortier, Frazer, Freeman, Gamble, Gill, Gould, Guévremont, Hartman, Hincks, Holton, Jobin, Labelle, Langton, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Mackenzie, McCann, Marchildon, Matheson, Mattice, Merritt, Mongenais, Joseph C. Morrison, Munro, Niles, Papin, Patrick, Poulin, Powell, Prévost, Rolph, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, James Smith, Somerville, Spence, Stevenson, Terrill, Turcotte, Wright, and Young.--(77.)

NAYS.

Messieurs Alleyn, Blanchet, Burton, Cameron, Casault, Cauchon, Chauveau, Clarke, Fergusson, Ferrie, Foley, Thomas Fortier, Fournier, Huot, Larwill,

Lemieux, Sir A.N. MacNab, Masson, Angus Morrison, Murney, O'Farrell, Rhodes, Robinson, Solicitor General Ross, and Thibaudeau.--(25.)

So it was resolved in the Affirmative.

On motion of MR. FELTON the House then went into Committee of the Whole on the Prohibitory Liquor Law¹⁰⁹.

Some discussion took place on the 6th clause providing for the summary arrest of persons found with liquor in their possession in any place where refreshments were kept for sale.¹¹⁰

MR. CAMERON and MR. AT. GEN. DRUMMOND warmly opposed it as an infringement of the liberty of the subject.¹¹¹

MR. FELTON explained that it was intended to apply to booths, tents, &c., at cattle shows, fairs or other public gatherings, and accepted as amendment of Mr. Langton's to restrain the operation of the clause from dwelling houses.¹¹²

MR. AT. GEN. DRUMMOND, MR. CAMERON, DR. CLARKE, and MR. LARWILL ... ((fought)) the Bill clause by clause.¹¹³

(850)

And the Order of the day for the House again in Committee on the Bill to prevent the traffic in Alcoholic and Intoxicating Liquors, being read;

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sanborn reported, That the Committee had gone through the Bill, and made amendments thereunto.

Mr. Felton moved, seconded by Mr. Poulin, and the Question being put, That the Report be received on Thursday next, and be then the first Order of the day; the House divided:--And it was resolved in the Affirmative.

Then, on motion of the Honorable Mr. Attorney General Macdonald, seconded by the Honorable Mr. Cauchon,

The House adjourned.

APPENDIX: 16 APRIL 1855.

((NOTICE OF MOTION RE: BILL FOR PUBLIC GRANARIES.))

MR. DARCHE ((donne avis que)) vendredi prochain ((il fera motion pour un)) Bill pour autoriser les officiers d'associations d'agriculture de comté à établir des greniers publics, lorsqu'ils le jugeront à propos, sans être obligés de s'adresser au bureau d'agriculture.¹¹⁴

((NOTICE OF MOTION RE: HOURS FOR THE SITTINGS OF THE LEGISLATIVE ASSEMBLY.))

MR. BELLINGHAM ((donne avis que)) vendredi prochain ((il fera motion)) que pour le reste de la saison la chambre commence ses séances, tous les lundi((s)) et jeudi((s)), 10 heures A.M., au lieu de 3 heures P.M.¹¹⁵

((NOTICE OF MOTION RE: HOURS FOR THE SITTINGS OF THE LEGISLATIVE ASSEMBLY.))

MR. S. SMITH (Northumberland) ((donne avis que)) demain ((il fera motion)) que la chambre siège tous les jours, depuis 10 heures, A.M., les dimanches exceptés.¹¹⁶

((NOTICE OF MOTION RE: RECIPROCITY TREATY.))

MR. INSP. GEN. CAYLEY ((donne avis que)) demain ((il fera motion pour un)) Bill pour donner effet au traité de réciprocité, et pour d'autres fins y mentionnées.¹¹⁷

((NOTICE OF MOTION RE: HOURS FOR THE SITTINGS OF THE LEGISLATIVE ASSEMBLY.))

MR. MACKENZIE ((donne avis que)) demain ((il fera motion)) que la chambre siège les samedis à 3 heures, P.M., pour disposer des avis de motions qui s'accumulent sur la liste.¹¹⁸

((NOTICE OF MOTION RE: BILL TO REPEAL CERTAIN ACTS AND TO EXTEND THE ELECTIVE FRANCHISE.))

MR. AT. GEN. J.A. MACDONALD ((donne avis que)) vendredi prochain ((il fera motion pour un)) Bill pour abroger deux actes y mentionnés, et pour rendre permanents l'extension de la franchise électorale.¹¹⁹

((NOTICE OF QUESTION RE: PAYMENT OF SUMS DUE THE SECRETARY-TREASURER OF DRUMMOND AND ARTHABASKA.))

MR. J. DORION (Drummond et Arthabaska) ((donne avis que)) lundi prochain ((il demandera)) si le ministère se propose d'adopter les moyens de faire payer ce qui est dû aux secrétaires-trésoriers des ci-devant municipalités de district.¹²⁰

((NOTICE OF QUESTION RE: CUSTOMS' CHARGES ON SUGAR.))

MR. YOUNG ((donne avis que)) demain ((il)) demandera au ministère, comment il se fait que le collecteur des douanes à Québec admette les sucres bâtards à 3s. 6d. pour cent de droits à l'entrée, et n'exige pas de droits pour les colis, tandis que le collecteur à Montréal refuse de recevoir ces sucres à l'entrée à moins de 12s. pour cent, à part des droits sur les colis.¹²¹

((WITHDRAWN MOTION RE: RESOLUTIONS ON EMIGRATION.))

MR. BELLINGHAM moved the resolutions of which he had given notice on the subject of Emigration. He had hoped the government would have taken the matter up.¹²²

MR. PRES. EX. COUN. MACNAB.--The government has done so, and plans have been matured to protect and assist emigrants, &c., which I hope to be able to communicate to the House shortly. I trust the honorable member will, therefore, withdraw his motion.¹²³

MR. BELLINGHAM before doing so wished to draw the attention of the house and the government to two or three matters. It was evidently desirable that the tide of emigration should be directed to that vast region, as yet comparatively unsettled, lying between the Ottawa and Lake Huron. While much of the emigration which passed up the St. Lawrence went through the Province into the United States, emigrants going into the Ottawa country always remained there. There should be an agent either at Quebec or Ottawa or both to direct and assist emigrants in seeking these settlements. The system of Quarantine here was most absurd, and instead of encouraging, discouraged immigration. What the emigrant wanted was some pleasant spot where he could wash, clean and repose himself ere proceeding on his journey, away from city frauds and city pestilence, yet at such a place that they might be taken on board readily by steamers for the West, and these too required to be placed under salutary regulations. He had seen as many as 1400 emigrants crowded into one of the river boats. On one occasion, going up upon one of those steamers so over-crowded he had been detained in the smoke at night, in the middle of Lake St. Peter. Had the boat taken fire, all must have perished inevitably. Care should be taken properly to limit the number of passengers, and to provide protection from rains and the heat of the sun by day and chilly dews by night, on a deck. The exposure on an open deck to these evils bred much disease. He would withdraw his resolutions on the understanding that the government were about to take action in the matter, and would establish some agency connected with the Ottawa country.¹²⁴

FOOTNOTES: 16 APRIL 1855.

1. GLOBE, 26 April 1855.
2. MONTREAL GAZETTE, 20 April 1855. This newspaper, as a rule, contains the same reports as the MORNING CHRONICLE, with a few corrections added, and it is published at a later date. In this case, however, MONTREAL GAZETTE, 20 April 1855, published its account a day earlier than MORNING CHRONICLE.
3. GLOBE, 26 April 1855.
4. MONTREAL GAZETTE, 20 April 1855.
5. GLOBE, 26 April 1855.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. GLOBE, 26 April 1855, reports that the motion caused a discussion lasting "nearly two hours". There does not appear to be a full account of this debate in any of the newspapers. MORNING CHRONICLE, 21 April 1855 and LE PAYS, 21 April 1855, report a portion of it; however, the order of speakers and content of certain speeches differ greatly. Since the Globe only summarizes the debate, it is possible discussion took place in French. This would explain the differences between MORNING CHRONICLE, 21 April 1855, and LE PAYS, 21 April 1855, and would also explain why LA MINERVE, 20 April 1855, took occasion to report an original account of the debate.
12. LE PAYS, 21 April 1855.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. MONTREAL GAZETTE, 20 April 1855.
18. LE PAYS, 21 April 1855.
19. MONTREAL GAZETTE, 20 April 1855.
20. IBID.
21. LE PAYS, 21 April 1855.
22. MONTREAL GAZETTE, 20 April 1855.
23. IBID.
24. IBID.
25. IBID.
26. LE PAYS, 21 April 1855.
27. IBID.
28. IBID.
29. IBID.
30. MONTREAL GAZETTE, 20 April 1855.
31. LE PAYS, 21 April 1855.
32. MONTREAL GAZETTE, 20 April 1855.
33. LE PAYS, 21 April 1855.
34. IBID.
35. IBID.
36. GLOBE, 26 April 1855. The ellipsis represents illegible words.
37. GLOBE, 26 April 1855. The ellipses represent illegible words.
38. GLOBE, 26 April 1855.

39. TORONTO DAILY LEADER, 24 April 1855, comments that the debate on Mr. J.S. MacDonald's motion concerning Clarke Gamble's land claim was "extraordinarily animated".
40. GLOBE, 26 April 1855.
41. IBID.
42. GLOBE, 26 April 1855. The ellipses represent illegible words.
43. MONTREAL GAZETTE, 20 April 1855.
44. GLOBE, 26 April 1855.
45. MONTREAL GAZETTE, 20 April 1855.
46. IBID.
47. IBID.
48. IBID.
49. GLOBE, 26 April 1855.
50. MONTREAL GAZETTE, 20 April 1855.
51. GLOBE, 26 April 1855.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. MONTREAL GAZETTE, 20 April 1855.
57. GLOBE, 26 April 1855.
58. MONTREAL GAZETTE, 20 April 1855.
59. GLOBE, 26 April 1855.
60. IBID.
61. IBID.
62. IBID.
63. MONTREAL GAZETTE, 20 April 1855.
64. GLOBE, 26 April 1855.
65. IBID.
66. MONTREAL GAZETTE, 20 April 1855.
67. GLOBE, 26 April 1855.
68. MONTREAL GAZETTE, 20 April 1855.
69. GLOBE, 26 April 1855.
70. IBID.
71. IBID.
72. MONTREAL GAZETTE, 20 April 1855.
73. GLOBE, 26 April 1855.
74. MONTREAL GAZETTE, 20 April 1855.
75. IBID.
76. GLOBE, 26 April 1855.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. MONTREAL GAZETTE, 20 April 1855.
83. GLOBE, 26 April 1855.
84. MONTREAL GAZETTE, 20 April 1855.
85. GLOBE, 26 April 1855.
86. MONTREAL GAZETTE, 20 April 1855.
87. IBID.
88. IBID.

89. GLOBE, 26 April 1855.
90. IBID.
91. IBID.
92. MONTREAL GAZETTE, 20 April 1855.
93. GLOBE, 26 April 1855.
94. IBID.
95. MONTREAL GAZETTE, 20 April 1855.
96. IBID.
97. IBID.
98. IBID.
99. GLOBE, 26 April 1855.
100. IBID.
101. IBID.
102. IBID.
103. MONTREAL GAZETTE, 20 April 1855.
104. GLOBE, 26 April 1855.
105. GLOBE, 26 April 1855. MONTREAL GAZETTE, 20 April 1855, reports that "Mr. Foley ... ((made)) some remarks ... against the motion on technical grounds." This differs from GLOBE, 26 April 1855, which reports he "spoke in favour of the motion" and also differs from the JOURNALS, page 848, where Mr. Foley is listed among the YEAS.
106. MONTREAL GAZETTE, 20 April 1855.
107. GLOBE, 26 April 1855.
108. According to GLOBE, 26 April 1855, at "about a quarter from ten o'clock", Mr. Felton again moved that the orders of the day be read to allow the Prohibitory Liquor Law to be taken into consideration. This newspaper adds: "The discussion that took place was of a very desultory character." " Although debate continued until the House adjourned at "about midnight", no newspaper reports the item at length.
109. MONTREAL GAZETTE, 20 April 1855.
110. IBID.
111. IBID.
112. IBID.
113. GLOBE, 26 April 1855.
114. LE PAYS, 21 April 1855.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. MONTREAL GAZETTE, 20 April 1855.
123. IBID.
124. IBID.

TUESDAY, 17 APRIL 1855.

(850)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. LeBoutillier,--The Petition of John Gregg and others, of the District of Gaspé.

By Mr. Fergusson,--The Petition of Thomas Burns and others, Clerks of Division Courts for the United Counties of Lincoln and Welland.

By Mr. Shaw,--The Petition of Charles H. Sache and others, Clerks of Division Courts for the United Counties of Lanark and Renfrew.

By the Honorable Mr. Chabot,--The Petition of William Power, Esquire, Circuit Judge; and the Petition of M.A. Hearn, of the City of Quebec, Student at Law.

By Mr. Langton,--The Petition of John Hale and others, Clerks of Division Courts for the United Counties of Peterborough and Victoria.

By Mr. Chisholm,--The Petition of John Scott and others, of the Counties of Lambton and Kent; and the Petition of Richard Morick and others, of the Counties of Lambton and Kent.

By Mr. Mackenzie,--The Petition of Philip Troeller, of the Township of Walpole, County of Haldimand; the Petition of Robert McNair and others, of Vaughan and other Townships, County of York; the Petition of William Jones and others, of the Township of Rainham, County of Haldimand; and the Petition of James Foster and others, of the County of Wentworth.

By Mr. Hartman,--The Petition of John Austin and others, of the County of Simcoe; and the Petition of William Gilroy and others, of the Township of Whitchurch, in the United Counties of York and Peel.

By Mr. Scatcherd,--The Petition of Joseph M. Reily and others, of the Township of Williams, County of Middlesex.

By Mr. Foley,--The Petition of James Walker and others, of the County of Norfolk.

By Mr. Papin,--The Petition of François Rouleau and others, of the County of Berthier, Censitaires.

By the Honorable Mr. Attorney General Macdonald,--The Petition of the Reverend Patrick Dollard and others, Roman Catholics of the Diocese of Kingston; and the Petition of Donald McDonald and others, of the Diocese of Kingston.

By Mr. Turcotte,--The Petition of Olivier Caron and others, of the Parish of Ste. Ursule.

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By Mr. Cook,--The Petition of Charles Hawkins and others, Clerks of Division Courts for the County of Oxford.

By Mr. Roderick McDonald,--The Petition of William M. Parke and others, Clerks of Division Courts for the United Counties of Stormont, Dundas and Glengarry.

By Mr. Alleyn,--The Petition of Mrs. F.X. Roy and others, Directresses of the Asylum of the Good Shepherd, at Quebec.

By Mr. Mongenais,--The Petition of H.F. Charlebois, Registrar for the County of Vaudreuil.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Thirtieth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Stanstead, Shefford, and Chambly Railroad Company, (2nd); and of Edwin Larwill, M.P.P., and others, (Amherstburg and St. Thomas Railway), and they find the Notices sufficient.

On the Petition of the Mayor, Aldermen, and Councillors of the City of Montreal, praying for certain amendments to their Act of incorporation, no Notices have been given; but the matter having been fully discussed in the City Council, whose proceedings are amply reported in the local papers, Your Committee do not doubt that the Inhabitants of Montreal have had sufficient notice of the application, and they would therefore beg leave to recommend a suspension of the 62nd Rule.

Ordered, That Mr. Rankin have leave to bring in a Bill to incorporate the Amherstburg and St. Thomas Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Terrill have leave to bring in a Bill to amend the Act incorporating the Stanstead, Shefford, and Chambly Railroad Company, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. PRES. EX. COUN. MACNAB moved to dispense with the 62nd Rule of this House, so far as relates to the bill authorizing the city of Hamilton to negotiate a loan of fifty thousand pounds.¹

MR. MACKENZIE opposed the motion, on the ground that the House should be put in possession of the fullest information, before giving their consent to saddle the people of Hamilton with this new debt. The House had already had an example of the results of hasty legislation, in sanctioning the city of Toronto loan.²

MR. BROWN said the rules of the House had been framed for the purpose of protecting the interests of the people in matters of this sort, and it was desirable that the public should know of every such application before any bill was introduced into the House.³

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The Honorable Sir Allan N. MacNab moved, seconded by Mr. Chisholm, and the Question being put, That the 62nd Rule of this House be suspended, so far as regards a Bill to authorize the City of Hamilton to negotiate a Loan of Fifty thousand pounds; the House divided:--And it was resolved in the Affirmative.

Ordered, That the Honorable Sir Allan N. MacNab have leave to bring in a Bill to authorize the City of Hamilton to negotiate a Loan of Fifty thousand pounds.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

MR. PRES. EX. COUN. MACNAB moved to dispense with the 62nd rule of this House, so far as relates to the introduction of the bill relative to the Western Canada Loan Company.⁴

MR. LANGTON said the committee on Standing orders had refused to recommend a suspension of the rule in this case believing that no sufficient reason existed why the notices should not be given. He should therefore feel bound to vote against the motion.⁵

MR. MACKENZIE could not see why special facilities for the introduction of a bill should be given to a company of usurers.⁶

MR. HARTMAN and other members also opposed the motion.⁷

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The Honorable Sir Allan N. MacNab moved, seconded by Mr. Chisholm, and the Question being put, That the 62nd Rule of this House be suspended as regards a Bill to incorporate the Western Canada Loan Company; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Bellingham, Casault, Cauchon, Cayley, Church, Clarke, Crysler, Daly, Delong, Desaulniers, Attorney General Drummond, Dufresne, Felton, Fergusson, Ferres, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Labelle, Larwill, LeBoutillier, Lemieux, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Angus Morrison, O'Farrell, Pouliot, Robinson, Solicitor General Ross, James Ross, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, and Whitney.--(47.)

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NAYS.

Messieurs Aikins, Bell, Biggar, Brown, Cameron, Chabot, Cook, Charles Daoust, Jean B. Daoust, Darche, Jean B.E. Dorion, Antoine A. Dorion, Ferrie, Frazer, Gould, Hartman, Jackson, Jobin, Laberge, Langton, Lumsden, Roderick McDonald, Mackenzie, Mattice, Munro, Papin, Patrick, Poulin, Prévost, Sanborn, Sidney Smith, and Young.--(32.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Sir Allan N. MacNab have leave to bring in a Bill to incorporate the Western Canada Loan Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to confirm the present boundaries of certain lots in the Township of Winchester.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

MR. INSP. GEN. CAYLEY moved for leave to introduce a bill to give effect to the Reciprocity Treaty, and for other purposes⁸.

MR. BROWN asked the hon. Inspector General to explain the objects of his bill.⁹

((MR. INSP. GEN. CAYLEY:)) The Government had issued orders to receive bonds for duties under the Act to give effect to the Reciprocity Treaty; they now desired to be authorised to cancel such bonds or return duties which had been paid on articles coming within the power of the treaty.¹⁰ The second object was to make the present tariff agree with the last one in charging the special duty on the gallon of proof spirits, instead of the gallon of spirits without discriminating as to strength.¹¹ They also desired to explain the term "gallon," as applied to spirits under the tariff, to mean a gallon not exceeding proof in strength.¹²

MR. HOLTON begged to call the attention of the Inspector General to another defect in the tariff of customs duties. While the duties on teas, sugars, &c., were made specific, there was an ad valorem rate levied on the packages in which they were imported.¹³

MR. YOUNG said this duty on packages acted as a somewhat serious tax on the trade in the manner in which it was now levied. For instance, the cost of a package or hogshead in which sugar was put up, was \$4 at Porto Rico and only valued at 50 cents when imported from a United States port. He knew such entries had been made. Again, a tea chest in China is a very costly thing, but here, or in New York, when imported that way, it was worth almost nothing. Charges like these, levied in the manner they now were, operated as a differential against the direct Canadian import trade. Another cause of complaint was the different rates at which bastard sugars had been entered.¹⁴ It was stated that the Collector of Customs at Quebec admits bastard sugars to entry for duties at 8s. 6d. per cwt., without duty on packages,¹⁵ while he had passed an entry at 12s. 6d. at Montreal, where duty was levied on the packages also. He was glad the error respecting the "gallon" of spirits intended by the Act was to be remedied. It was clear that, under the Act as it now stood, all liquor--inasmuch as it was overproof--came in free.¹⁶

MR. INSP. GEN. CAYLEY said his attention had been already called to the subject of packages, and a departmental order would be issued, directing that no rate should be levied on the packages intended simply to protect the goods imported from the weather, &c. It was necessary, however, that the provision should stand in the act to prevent fraud, by filling expensive boxes, &c., with some sort of goods for the protection of which they were not designed, and so getting them entered free--as had been the case when in the United States casts and busts were admitted free; large leaden busts of Washington, Franklin, &c., were cast to be brought in, in order to evade the duty on lead.¹⁷

MR. BROWN thought it would be well if the Inspector General would look carefully over his Tariff Act, which had only been in operation for twelve days, that it might be thoroughly corrected at once. An Act was passed a few days ago to make certain corrections in the Tariff Bill, which came in force on the 5th inst., and it now appeared that another bill was necessary to correct another blunder. The title of the bill did not show very clearly what was its real object. It was called "A Bill to give effect to the Reciprocity Treaty, and for other purposes," but he apprehended the other purposes formed the main substance of the bill. Such blundering legislation was far from creditable. He was sorry to hear that under the clause of the Act, which it was now sought to correct, a large quantity of spirits had already been introduced without duty.¹⁸

The House then resolved itself into Committee of the Whole, passed and reported the resolutions¹⁹.

MR. INSP. GEN. CAYLEY introduced a Bill founded on them.²⁰

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On motion of the Honorable Mr. Cayley, seconded by the Honorable Sir Allan N. MacNab,

Resolved, That this House will immediately resolve itself into a Committee to consider of certain Resolutions tending to confirm certain things done under Orders in Council for giving effect to the Reciprocity Treaty with the United States, and explaining the Customs Duties Act 18 Vic. cap. 5.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. James Smith reported, That the Committee had come to several Resolutions.

Ordered, That the Report be now received, and the Rules suspended as regards the same.

Mr. James Smith reported the Resolutions accordingly; and the same were read, as follow:--

1. Resolved, That it is expedient that the Bonds given under the Orders in Council dated, respectively, the 18th October and 6th November, 1854, for Duties payable on Articles which under the Act 8 Vic. cap. 1, were to be free of Duty when the Reciprocity Treaty came into force, be cancelled, and the Duties paid on such Articles remitted and returned; and that if any such Bonds have been already so cancelled, or any such Duties so remitted and returned, the same be held to have been legally cancelled, remitted or returned, and all parties engaged in cancelling, remitting or returning the same, be indemnified therefor.

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2. Resolved, That it is expedient that for the removal of doubts under the Schedule to the Act passed in the eighteenth year of Her Majesty's Reign, intituled, "An Act to amend the Act imposing Duties of Customs," it be declared and enacted, that the Duty made payable by the said Act and Schedule on each gallon of Rum, Whiskey, Brandy, Geneva or Gin, or other spirits or strong waters not being Whiskey, Rum, or Brandy, is and shall be payable (as the Duties repealed by the said Act were) for every gallon thereof of any strength not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength than the strength of proof.

The said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Cayley have leave to bring in a Bill to confirm certain things done under the Act to confirm the Reciprocity Treaty, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return in part to an Address from the Legislative Assembly of the 15th December, 1854, for Statement of Registry of certain Vessels, and of seizures and penalties for contravention of Customs Laws.

For the said Return, see Appendix (P.P.P.)

On motion of Mr. Ferres, seconded by the Honorable Mr. Young,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that the proper Officer be directed to transmit to this House, a copy of the Report of the Department of Public Works upon the Petition of James Egan, and of all Tenders, Correspondence, and other Papers.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Solicitor General Ross have leave to bring in a Bill further to amend the Act, intituled, "An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

The Honorable Mr. Spence moved, seconded by Mr. Solicitor General Smith, That this House will immediately resolve itself into a Committee to consider of the expediency of amending the Section of the Post Office Act which fixes the maximum Salary to any Officer of the Department to Five hundred pounds, and of providing that the Salary of the present Secretary shall be Six hundred pounds per annum;

The Honorable Mr. Cayley, a Member of the Executive Council, by Command of His Excellency the Governor General, then acquainted the House, That His Excellency having been informed of the subject matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sidney Smith reported, That the Committee had come (sic) to several Resolutions.

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Ordered, That the Report be received on Friday next.

MR. SOL. GEN. H. SMITH moved a committee of the whole House, to consider the expediency of continuing and extending the Act 9 Victoria, chap. 33, intituled (sic), "An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada." He said the present accommodation in Osgoode Hall was insufficient for the Superior Courts, viz. the Court of Appeals, the Court of Queen's Bench, the Court of Chancery, the Court of Common Pleas, and the Court of Probate. In 1846 the Law Society provided sufficient accommodation, but in consequence of the increase in the number of the courts and the increasing legal business of the country, it was found necessary that they should go further and put up further buildings. By the adoption of the resolutions he was to propose in committee, no debt would be incurred by the Province in fact, but it would simply lend its credit to the Law Society for the amount necessary to put up those buildings, and would be repaid by a tax on the litigants of eighteen pence on each writ, which he believed would be quite sufficient to pay for the debentures proposed to be issued.²¹

MR. MACKENZIE said that certainly we were a great people. In 1834 we gave 40L a year for a building in Toronto which served the Court of Queen's Bench as a Court House, and answered for preaching in on Sundays and holding meetings during the week. But now they had a splendid building, Osgoode Hall, and even that was not sufficient. But he did not see why the Lawyers could not raise the necessary 10,000L among themselves instead of asking the Province for a Loan.²²

MR. CHABOT dit qu'il n'a pas d'objection à ce que des débentures pour la construction de ce palais de justice soient émises sur le fonds consolidé, mais il voudrait savoir avant de voter cela si le gouvernement se propose de venir avec une mesure pour émaner de semblables débentures en faveur de la compétition du palais de justice à Montréal, car il faudra faire encore des dépenses considérables pour la terminer, et la taxe maintenant imposée sur les plaideurs ne suffira pas.²³

MR. COM. PUB. WORKS LEMIEUX dit que le gouvernement se propose de venir bientôt avec une mesure pour émaner des débentures à même le fonds consolidé, pour permettre de terminer le palais de justice de Montréal.²⁴

The House then went into Committee and passed ... resolutions²⁵.

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Mr. Solicitor General Smith moved, seconded by the Honorable Sir Allan N. MacNab, That this House will immediately resolve itself into a Committee to consider the expediency of continuing and extending the Act 9 Vic. cap 33, intituled, "An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada;"

The Honorable Sir Allan N. MacNab, a Member of the Executive Council, by Command of His Excellency the Governor General, then acquainted the House, That His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Stevenson reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received on Friday next.

Ordered, That Mr. Solicitor General Ross have leave to bring in a Bill to amend the Law in relation to the payment of Crown Witnesses, and the issuing of Subpoenas at the instance of Defendants charged with Felony, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

MR. AT. GEN. DRUMMOND moved for leave to introduce a "Bill to facilitate the operation of the Seigniorial Act of 1854." (Hear, hear.)²⁶ In passing that act the right to amend it at any time during the session had been reserved. In putting the novel machinery created by that act into operation, it was necessary for the Government to examine closely to see if amendments would not be required. They had appointed men of legal standing and business ability to the

part of Commissioners, and had consulted with them on the subject ere they entered on their labors. For his own part he had been astonished to find how few amendments were required. Some censitaires had been placed in an exceptional position by the act, and he thought it best their case should be provided for before the schedules were made up. The first of these cases was that of parties having holdings in entailed or substituées seigniories.²⁷ It was intended to provide for these cases by making the person substituted able to receive the interest²⁸ ((OR)) instalment²⁹ on the capital of their Seignior, until the substi((tu))tion expired, upon which the persons interested would receive their capital.³⁰ He proposed by the present bill that their commutation money should be paid over into the hands of the Receiver General during the continuance of the entail, to be paid over to the proper party when the entail was brought to an end. An abuse that already required a check was the demands made on the Government for lettres de terrier. Under the law of the country these lettres could be demanded from the Government by Seigniors desiring it, in order to complete their rent roll and settle the titles of their several censitaires. Under them, when granted, they could demand a new title from each of their censitaires, putting them to a good deal of expense,³¹ une charge de 100L ou plus par année³². Now, as the cadastres of the Commissioners would be the best terriers or rent roll the Seigniors could have when completed, he had not anticipated any such demand. But demands for them were sent in, and after deliberation he had advised his colleagues to reject them and they had done so. He now proposed to abolish this right.³³ It was intended by the present bill to³⁴ bring under the operation of the Seigniorial bill the seignior of Lasalle.³⁵ The last bill was not extended to the Seigniories (sic) of Lasalle, and inasmuch as the patent and act confirming the grant of that Seignior gave the Seignior his property in franc aleu with a right to sell or concede a titre de cens, he had contended that it should not be included. But on more mature reflection he was satisfied that those parties who had taken lands there à titre de cens should get the benefit of the act. The schedule there might be completed at once without waiting for the decision of the Judges, which would not apply to that Seignior. He proposed also to extend the provisions of the act to the censitaires in the Crown Seigniories holding directly from the Crown. Some errors had crept into the French translation of the act which required to be corrected. In one place eight days in the English was made fifteen in the French. But the most important provision was to abolish the lods et ventes at once. The schedules were directed to be filled up under this head at once and he believed this part of them would all be completed before the 1st of January next. Instead of lods et ventes the Seigniors would receive interest until the completion of the schedule when they would be paid off their portion of the appropriation intended to redeem that burden. Those schedules of lods et ventes then would not be affected by the decision of the Judges.³⁶ Un((e)) autre clause du bill permet aux commissaires d'une seigneurie de travailler dans une autre seigneurie, afin d'aider les commissaires à compléter les cadastres. Par ce moyen il sera donné un avis suffisant que le cadastre de telle seigneurie sera fait dans tel tems, et alors les seigneurs devront préparer des listes qui faciliteront le travail des commissaires³⁷. As forms for the cadasters were already being prepared, which could be filled up by clerks from the Seigniors' books as well, and at a less expense than if the Commissioner himself gave his attendance they would not be appointed until the eve of the meeting of the censitaires to revise the cadastres. He was happy to inform the house that

after a careful examination of the matter, occupying several weeks of the vacation he was satisfied the cost of the making up of these cadastres had been much magnified. He believed they would all be completed in a twelvemonth, and would not cost at most more than 25,000L.³⁸

MR. JOBIN demande si le droit d'appel en Angleterre est aboli par ces amendemens.³⁹

MR. AT. GEN. DRUMMOND répond qu'en effet il avait oublié de dire que la première clause du bill abolit le droit d'appel, car il est absurde de croire que des juges en Angleterre peuvent décider, avec connaissance de cause, des questions de cette nature.⁴⁰ That appeal he thought worse than useless. It might serve to prolong the time requisite to get rid of the tenure, but could answer no good purpose. The parties best qualified to decide on these questions were our own lawyers and judges acquainted with the local laws and customs as well as the old French law on the subject.⁴¹ Lorsque tout le travail aurait été fait, et qu'il en aurait été appelé, la décision des juges serait venue au bout de deux ou trois ans, et aurait tout jeté dans la confusion.⁴² He believed there would be no opposition to this proposition in this house, and he believed it would not meet with the difficulties which on a former occasion were put in its way elsewhere. (Cries of hear, hear.)⁴³

MR. JOBIN demande de nouveau à M. Drummond si ses amendements contiennent une clause déclaratoire concernant les trois rangs du township de Kildare que les seigneurs de Lavaltrie ont concédés en censive et autres droits de mutation, comme il lui en a fait la promesse durant la première partie de la session.⁴⁴

MR. AT. GEN. DRUMMOND répond qu'il se rappelle avoir fait cette promesse à M. Jobin, mais que le grand nombre d'affaires la lui avait fait oublier. Cependant il remplira cette promesse plus tard, quoique ses amendemens ne pouvaient comprendre ce qu'il convient de faire à ce sujet.⁴⁵

Le bill est alors introduit et lu pour la première fois.⁴⁶

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Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to amend the Seigniorial Tenure Act of 1854.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to establish a Registry Office in and for each Electoral County in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Crysler have leave to bring in a Bill to amend the Act 8 Vic. cap. 20, relative to line fences and water courses in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to amend the Act to provide for the formation of Joint Stock Companies for supplying Cities, Towns, and Villages with Gas and Water," to which they desire the concurrence of this House.

And then he withdrew.

MR. INSP. GEN. CAYLEY moved the second reading of the Audit Bill. After the full explanations he had given, when introducing the bill, he would not take up the time of the House with any further remarks.⁴⁷

MR. HOLTON thought the bill a good one, and generally adapted to the ends proposed. On one point, however, he should have expected some explanation. He would like to know how it was that the government after throwing out the bill introduced by a friend near him⁴⁸ (Mr. Darche)⁴⁹ to secure returns from educational institutions of grants made them, they had copied it almost bodily into this bill. He thought some explanation might especially be expected from the hon. Commissioner of Crown Lands, who had moved the six months hoist to that bill⁵⁰. This one introduced by the Inspector General embodied precisely the same principle and almost the very same provisions. (Hear, hear.) The Government, therefore, were in this position that they called upon the House to affirm a principle to-day which a few weeks ago they called upon the House to reject. He thought some explanation of this was due to the House, that they might know whether there was to be any sort of continuity in the legislation submitted by the Government. (Hear, hear.)⁵¹

MR. COM. CR. LANDS CAUCHON dit qu'il ne s'est jamais opposé au principe du bill présenté par l'hon. membre pour Chambly, et il défie qui que ce soit de dire le contraire.⁵²

MR. HOLTON.--Pourquoi l'avez-vous donc fait rejeter?⁵³

MR. COM. CR. LANDS CAUCHON dit que c'est parce que la mesure, quoique bonne dans son principe, était mauvaise dans tous ses détails (écoutez! écoutez!), et parce que l'animus du bill, (parce qu'il ne serait pas parlementaire de dire l'animus du moteur), était aussi des plus mauvais.⁵⁴

Applaudissements ironiques du côté de l'opposition.⁵⁵

((MR. COM. CR. LANDS CAUCHON continue:)) Cela est tellement vrai que l'hon. membre n'a pas même voulu expliquer son bill, et que l'hon. membre pour Montréal a été obligé de le faire pour lui, en disant que le titre de son bill l'expliquait suffisamment. Il a plusieurs fois voté contre le principe de mesures en faveur desquelles il était, parce qu'elles ne venaient pas dans le bon tems, et parce que le but des moteurs n'était pas bon. Tel a été le cas relativement au bill de l'hon. membre pour Chambly. Les directeurs des maisons d'éducation sont prêts à faire les rapports que ce bill exigera d'eux; mais il a dû s'opposer au bill du membre pour Chambly parce que son intention (animus) était mauvaise.⁵⁶

MR. LABERGE ne veut pas combattre le bill actuel, et surtout la clause qui exige des rapports des maisons d'éducation, parce qu'il a soutenu le bill de l'hon. membre pour Chambly et qu'il le croyait bon dans son principe, tout en n'approuvant pas tous ses détails; mais il veut seulement dire qu'il est très étonné, mais bien aise en même tems, des explications que vient de donner l'hon. commissaire des terres. Depuis le vote de l'autre jour sur le bill de l'hon. membre pour Chambly, on a fait beaucoup de capital politique à propos de cette question, contre les membres de l'opposition, et on a voulu faire croire que cette mesure avait une tendance anti-catholique; il est donc bien aise de voir que le commissaire des terres, qui s'est toujours donné comme le champion du Catholicisme, n'est pas de cette opinion, et qu'il se charge aujourd'hui de cette même mesure comme membre du gouvernement. Cependant il doit dire que les explications qu'il vient de donner ne lui paraissent pas parfaitement claires, et même il pourrait défier qui que ce soit de dire quelles sont ces explications.⁵⁷ The public would not be able to understand from them how this measure proposed by the member for Chambly was bad, while the same measure proposed by the Government was good. (Hear, hear.)⁵⁸ Il (M. Cauchon) a dit que l'esprit de la mesure était mauvais, pour ne pas dire l'intention du membre pour Chambly; mais les opinions de l'hon. commissaire (sic) des terres seront répandues dans tout le Bas-Canada, et on verra alors sur quoi étaient fondées toutes les déclamations qu'on a faites contre les membres de l'opposition, à propos de cette mesure, puisque ses motifs sont les mêmes que ceux du membre pour Chambly, quoiqu'il en dise.⁵⁹

MR. AT. GEN. DRUMMOND said it might be necessary to reject a Bill of this sort coming from a private member, and seeming to imply that some investigation was necessary, while it might be quite proper for the Government the next day to bring down the same measure. (Oh! Oh!)⁶⁰

MR. PAPIN pense que les explications de l'hon. commissaire des terres sont une réponse suffisante à toutes les déclamations des journaux du gouvernement, qui crient depuis si longtemps que l'opposition ne peut rien faire de bien et qu'elle est une opposition factieuse. Comment l'opposition peut-elle conduire une mesure à bonne fin, quand le gouvernement s'y oppose et la fait renvoyer à six mois, pour s'en emparer immédiatement après et en faire une mesure du gouvernement? Le peuple ne sera plus surpris quand il verra faire des accusations semblables. Le gouvernement s'empare des mesures de l'opposition après s'y être fortement opposé, et il fait ensuite dire à ses journaux que l'opposition est incapable, ignorante, absurde, malhonnête, et tout le vocabulaire d'injures de ses journaux est mis en réquisition. Cependant l'opposition peut dire avec raison que ce sont ses mesures que propose le gouvernement. Et cela ne s'est pas produit seulement dans le cas actuel, mais dans plusieurs autres circonstances. Lorsque le procureur-général a introduit tout à l'heure un bill pour faire des amendements à l'acte seigneurial de 1854, il n'a voulu rien dire sur le moment, mais puisque l'occasion s'en présente, il peut dire que c'est encore un des cas où le gouvernement a été obligé de donner raison à l'opposition; en introduisant les amendements qu'elle demande à cet acte, et qui lui ont été refusés jusqu'à présent; car c'est l'opposition qui a demandé ces amendements, et non les amis du ministère. Il est loin d'en vouloir blâmer le gouvernement; il pense au contraire que tous les membres de l'opposition sont heureux de voir introduire ces amendements⁶¹. Those amendments were bad when proposed by the opposition, and the opposition were factious in urging them, but now they

were so good that the Government themselves proposed their adoption by the House. (Hear, hear.)⁶²

MR. BUREAU a voté contre le bill de son ami pour Chambly (M. Darche) en conséquence des remarques que fit alors l'hon. commissaire des terres (M. Cauchon), qui s'y opposait en disant que cette mesure était parfaitement inutile, parce que toutes les maisons d'éducation fourniraient avec plaisir tous les rapports qui leur seraient demandés, sans les y obliger par une loi spéciale, et que tous les ans on pourrait procéder (sic) par adresse si on avait raison de requérir ces rapports.⁶³ He felt very much embarrassed, therefore, as to how he should vote on the present occasion, seeing that the Commissioner of Crown Lands who opposed that Bill so strongly a few weeks ago, was one of those who brought forward the very same measure to-day.⁶⁴ Il a couru aussi certains bruits lorsque son hon. ami pour Chambly a présenté son bill, qui l'ont engagé à voter contre: c'est qu'on disait que les institutions d'éducation qui recevaient des allocations du gouvernement, refuseraient dorénavant de les accepter, si elles étaient obligées de rendre compte de leur gestion et de toutes leurs affaires; il y ((a)) aussi un directeur du collège de St. Hyacinthe qui disait alors qu'il aimerait mieux ne pas recevoir d'argent, plutôt que d'être obligé de fournir ces rapports. Il ne sait si le gouvernement s'est entendu avec ces maisons d'éducation avant de proposer ce bill, mais il regretterait beaucoup de les voir refuser ces octrois, car il y a si peu de bonnes maisons d'éducation, qu'il ne faut pas les réduire par des conditions qu'elles ne voudraient pas accepter.

D'ailleurs, il considère que l'éducation est gratuite, car la somme exigée pour chaque élève n'est pas même suffisante pour payer sa pension. Il a la plus haute considération pour nos collèges et regretterait de soumettre nos collèges à des conditions qu'ils ne voudraient point accepter. Le bill proposé par le ministère va plus loin que celui de l'hon. membre pour Chambly, car il soumet nos institutions à toutes les investigations qui pourraient être faites par les auditeurs des comptes publics.

M. Bureau considère que c'est exposer nos institutions à des persécutions, surtout si des hommes ennemis de nos institutions composaient le bureau des auditeurs, ce qui peut arriver.

Il a aussi été induit à voter contre le bill de son ami pour Chambly, par les raisonnemens de l'hon. membre pour Maskinongé (M. Turcotte), qui s'est montré alors si favorable aux maisons d'éducation, qu'il considérerait que ce serait leur faire une injure que d'exiger d'elles des rapports de ce genre. Pour lui (M. Bureau), il est fort embarrassé de savoir comment voter, car il voudrait être consistant avec lui-même; mais en même temps, il voit que le commissaire des terres a si subitement changé d'opinion qu'il ne sait plus à quoi s'en tenir. Il (M. Cauchon), a parlé contre le bill du membre pour Chambly, avec tant de chaleur, de conviction et de ferveur, qu'il (M. B.) a abandonné ses amis sur cette question; mais aujourd'hui l'hon. commissaire parle avec non moins de conviction, en faveur de ce même bill, et cela le met dans une position fort embarrassante pour donner son vote. (Rires).⁶⁵ He hoped, however, in the course of the discussion, to be able to satisfy himself by reflection whether the arguments of the commissioner (sic) of Crown Lands were strongest in favour of the measure or against it. (Laughter.)⁶⁶

MR. DUFRESNE had been convinced by the hon. Commissioner of Crown Lands on a previous occasion, that he ought to vote against the bill of the member for

Chambly. He did ((not)) know whether he should not vote against this bill for the same reason.⁶⁷

MR. CHABOT a voté contre le bill de l'hon. membre pour Chambly tout ... en admettant le principe comme bon, parce qu'il croyait que ce bill n'était proposé que dans un but particulier. Il a déclaré alors qu'il était d'opinion que toutes les institutions, qui recevaient des allocations de la législature, devaient fournir des rapports de leurs affaires, et par conséquent il peut voter en faveur du bill actuel sans être taxé d'inconsistance, parce qu'il admettait le principe.⁶⁸

MR. MACKENZIE.--Did not intend to oppose the bill at this stage, but he wished to draw attention to some of its defects which might be remedied later. In England no money was paid out of the Treasury without an order from the Exchequer declaring the payment legal. Here we had no such check. Under the present bill three persons constituted the board of audit, on whom duties, some of them of a judicial nature were imposed, yet no provisions was (sic) made to declare how many of them would be required to form a quorum for the transaction of certain business. For all the act said one of the board might perform any one of these acts. One of the clauses provided for the destruction of Provincial debentures; but nothing was said about burning up Municipal debentures when paid. The Deputy Inspector General was ordered to countersign all the debentures; but the precise circumstances under which he might do so were not stated. In some cases he knew money had been ordered to be paid twice over on the same account so carelessly had the books been kept. He was glad to see the provision was made to stop the payment of money out of the Crown Lands department. The government were entitled to credit for this and other provisions of the bill; nothing could be more absurd than having a government within a government, and an exchequer within an exchequer, all moneys should go, as was now proposed, into the hands of the Receiver General⁶⁹, and be paid out on the order of the Inspector General.⁷⁰ Between 1847 and 1853, the Crown Lands Department received over 20,000L which should have been accounted for to the Inspector General's Department, but was not. The bill provided that moneys collected should be paid into the hands of such banks or persons as the Governor in Council should appoint. Why not fix them by law? But Collectors of Customs, &c., were to pay their monies into the hands of such persons as the Receiver General should direct. Why not an order in Council for this too? It should not be left as on a previous occasion when the Receiver General was in England to his Deputy, or once when the Deputy was also absent to a clerk in the department, to decide such a matter. The country were indebted to the government for bringing in this measure and giving Parliament an opportunity to legislate upon it. As to the educational grants they should feel that they owed a debt of gratitude to the hon. member who first brought the necessity for returns under the attention of the House, and got a pledge from ministers to take the matter up. They should all be obliged to make up returns annually of their whole receipts and expenditure from all sources. The auditor and board of audit should be obliged to make a general report annually to the Inspector General, and he, in his turn to make a report on the condition of the finance of the country at the meeting of Parliament, instead of coming down with accounts and estimates and a short verbal explanation just as they were going home.⁷¹ ((He)) considered that the adoption of ... the measure would leave very little in the way of service to the public to be performed by the Hon. Inspector General. He deprecated the habit

of entrusting the control of important public departments to irresponsible employees. Nevertheless, he was not going to vote against the motion, but wished to say a little of what he had to say. It was then one o'clock, and he would not keep the House longer, that there may be time for a division before the House would adjourn till seven o'clock.⁷²

MR. TURCOTTE a parlé et voté contre le bill du membre pour Chambly, et il votera et parlera aussi contre le bill de l'administration, parce qu'il est semblable et qu'il va même plus loin que l'autre. Il demande à l'hon. commissaire des terres (M. Cauchon) quelle différence il y a entre les deux bills. S'il y a une différence, c'est que l'esprit du bill, l'animus, comme dit le commissaire des terres, est cent fois pire que celui de l'hon. membre pour Chambly, et le danger est plus grand, parce qu'il exige beaucoup plus de renseignements que l'autre bill n'en exigeait. Et c'est avec l'assentiment des membres catholiques du ministère qu'un tel bill est proposé! eux qui ne se sont opposés à celui du membre pour Chambly, qui allait moins loin, que parce qu'ils y voyaient une tendance anti-catholique! Il ne peut comprendre cela. Si ce bill est adopté, pas une maison d'éducation ne voudrait accepter l'octroi; elles le rejeteront toutes avec dédain. Et ce sont les élèves de ces maisons d'éducation, comme le commissaire des terres (M. Cauchon), le commissaire des travaux publics (M. Lemieux), le secrétaire provincial (M. Cartier), et le procureur-général (M. Drummond), qui proposent un tel bill, eux qui doivent savoir parfaitement que ces maisons n'ont pas besoin de rendre compte de leur gestion. Ce n'est pas sous l'administration Lafontaine qu'un tel bill aurait été proposé, et il voit là, encore une fois, l'influence des ministres du Haut-Canada qui forcent ceux du Bas à présenter une mesure contre laquelle ils ont combattu il n'y a que quelques jours encore, et qu'ils n'auraient jamais osé présenter s'ils n'y eussent été forcés par les membres Haut-Canadiens de l'administration. C'est une nouvelle preuve que l'élément Haut-Canadien domine dans l'administration, aussi il votera contre la seconde lecture du bill.⁷³

MR. PROV. SEC. CARTIER dit que non seulement les maisons d'éducation ne refuseront pas de fournir les rapports qu'on exige par ce bill pour accorder une aide, mais que plusieurs d'entre elles, entre autres les collèges de Nicolet, de l'Assomption, de Laval, de St. Hyacinthe, ont déjà demandé de l'aide pour cette année, et ont en même temps soumis un état de leurs affaires, pour montrer le bien qu'elles pouvaient faire et obtenir le plus possible.--Il n'a pas eu occasion de dire sa pensée sur le bill de l'hon. membre pour Chambly, mais il a voté contre parce qu'il (M. Darche) ne pouvait pas le conduire à bonne fin et parce qu'il ne pouvait pas même l'expliquer⁷⁴ ((OR)) he had not even attempted to explain its object.⁷⁵ Il croit que ce bill est nécessaire, parce que des maisons d'éducation en ont imposé à la législature en demandant et obtenant des octrois considérables, lorsqu'en réalité elles n'avaient pas droit à ces octrois; lorsqu'il faudra fournir un état des dépenses et des besoins d'une maison pour obtenir de l'aide, il n'y aura plus de danger pour la législature de s'en laisser imposer, et les maisons d'éducation qui seront de bonne foi et qui auront réellement besoin d'aide, ne refuseront pas de fournir ces états.--Il approuve que le bill de l'hon. membre pour Chambly ait été rejeté, et il a lui-même voté contre, parce qu'il était imparfait et qu'il décelait un animus et une précipitation qui ne convenaient pas du tout. Ce bill était très important, et il devait être introduit par une main qui pouvait le faire passer par toutes les preuves de la législature; c'est pourquoi le gouvernement s'en est emparé. Il a

aussi circulé une rumeur dans le tems, qui a porté le gouvernement à s'opposer à ce bill; c'est que l'hon. membre pour Chambly ne présentait ce bill que parce qu'il était en guerre avec le collège de Chambly....⁷⁶

MR. DARCHE.--Cela est faux.⁷⁷

MR. SICOTTE the SPEAKER rappelle M. Cartier à l'ordre en lui disant qu'il n'a pas le droit de supposer à un membre des intentions qu'il n'a pas exprimées dans la discussion.⁷⁸

MR. PROV. SEC. CARTIER fait apologie et dit que le bill aura pour but de protéger les bonnes maisons d'éducation, car elles seeront (sic) bien aise de soumettre leurs compos (sic); et les maisons qui ne sont que des fictions ne pourront plus obtenir de deniers, lorsqu'elles seront obligées, pour les obtenir, de soumettre un état de leur administration.⁷⁹

MR. MARCHILDON a voté pour le bill de l'hon. membre pour Chambly précisément pour les mêmes raisons que celles apportées au soutien de la mesure actuelle par l'hon. secrétaire-provincial (M. Cartier). Ces rapports seront tout à l'avantage des maisons d'éducation; car dans quelques années, ceux qui voudront juger de la supériorité d'une maison sur une autre, pour placer leurs enfants, n'auront qu'à voir ces rapports, et ils pourront en juger de suite.⁸⁰ For those same reasons he should support the present bill.⁸¹

MR. DARCHE n'avait pas l'intention de parler sur le bill actuel, mais après des personnalités comme celles dont le commissaire des terres et le secrétaire provincial (MM. Cauchon et Cartier) ont fait usage à son égard, en lui prêtant des motifs malhonnêtes lorsqu'il a présenté son bill et aujourd'hui encore,--il doit se lever pour repousser ces imputations. Il n'a jamais eu les intentions qu'on lui a prêtées lorsqu'il a présenté son bill, et son but était exactement le même que celui des membres du gouvernement aujourd'hui. Il nie complètement qu'il ait été en mauvaise intelligence avec les directeurs du collège Chambly, et il défie le secrétaire-provincial ou tout autre de prouver ce qu'il avance.⁸²

MR. BROWN said he could not allow the bill to pass its second reading, without congratulating the Government on the marked progress of public opinion, which compelled even them to introduce it. If he (Mr. Brown) had introduced such a measure in the last Parliament, he would scarcely have found a seconder, and a perfect storm of indignation would have burst upon him. (Hear, hear.) The Government were, in fact, becoming an excellent Government--⁸³

Hear, hear from the ministerial side⁸⁴.

((MR. BROWN continued:)) so far as this clause in their bill was concerned.⁸⁵ It provided, in the most ample manner, for affording information in relation to those institutions obtaining grants of the public moneys for their maintenance; but he considered that there was no necessity for giving the bill previously introduced for the same purpose a six months' hoist, when they now admitted the principle, and adopted almost identically the same measure.⁸⁶ He only wished they were as good a Government in everything else. (Hear, hear.) At the same time, the Government were not entitled to all the credit of it. It

was the hon. member for Chambly who had introduced the bill, which was then opposed by the Government, but found such support in the House, that, to save a defeat, they had to promise to introduce the same measure themselves. (Hear, hear.) He gave the Government, however, a good deal of credit in the matter, and was sure they would receive due thanks from the country for having introduced such an excellent clause. It would be very satisfactory to the country to know everything about those institutions, which received something like a hundred thousand dollars a-year of the public money. When the House was called upon in future to vote those grants in the supplies they would be able to do so with more intelligence, and with a better understanding of the circumstances of each case. The other clauses of the bill might, in some respects, be improved; but the 7th and 13th, providing for those returns, were exceedingly satisfactory, and he hoped were an index to what would be the character of the future legislation of Canada.⁸⁷ It was a sign, and he was glad of it, that honorable members of the Government were beginning to see that this side (the Opposition) of the House had right at their side, and trusted they would concede to them in other measures as in this. This should be a better day altogether for Canada; and, by a little step further, he hoped there would be no endowment for any church⁸⁸ ((OR)) State Churches⁸⁹ in Canada, but that the voluntary principle would prevail⁹⁰, which would completely remove the main element of discord and excited feelings in this House. (Hear, hear.)⁹¹

MR. AT. GEN. J.A. MACDONALD was glad that the honorable member for Lambton was at last pleased with the course taken by the government. He said that the administration were forced into this in consequence of the measure previously introduced, but if he took the trouble of reading this he would find it was a very different bill from that which had got the six months' hoist. The queries required to be answered by the former bill were a gratuitous insult to the priests and their scholars to whom they applied.⁹² Mr. Darche's required not only the names of the professors, but that it should be distinguished which were lay and which were ecclesiastical. It required, also, the names of the pupils, and which of them received their education gratuitously.⁹³ This gave the number of teachers, their names; the number of scholars, their ages classified above and under sixteen years; the branches of education taught; the annual cost, &c.⁹⁴

MR. BROWN said as to the names of the children, that was a matter of detail which could easily have been amended in committee. (Hear, hear.) There could be no doubt that the two bills were in substance identical. (Hear, hear.)⁹⁵

MR. CAMERON said that there was a marked distinction between the two bills⁹⁶. The only difficulty he felt in supporting the measure of the government, was that it had called forth so much praise from the member for Lambton. It was so seldom that that hon. gentleman praised any government measure, that he was almost afraid there was something wrong about this one. (Hear, hear, and laughter.)⁹⁷

MR. A. DORION (de Montréal) n'était pas ici lors de la discussion sur le bill de l'hon. membre pour Chambly, mais il sait que l'hon. membre pour Toronto est venu au secours du gouvernement⁹⁸. ((They)) felt in the former discussion that they had taken a false step in opposing Mr. Darche's bill, but they had not

known how to get out of the difficulty till the member for Toronto (Mr. Cameron) came to the rescue, and suggested that its provisions might be embodied in this Audit Bill. (Hear, hear.)⁹⁹ Le bill était donc bon, puisque le gouvernement en reconnaissait le principe? Pourquoi s'y est-il donc opposé? Ce n'est pas à cause des détails, puisqu'ils pouvaient être amendés en comité si on les trouvait défectueux. La seule raison de cette opposition du gouvernement à la mesure, c'est parce qu'elle était présentée par un des membres de ce côté de la chambre, et l'hon secrétaire-provincial vient même de l'avouer.--L'hon. commissaire (sic) des terres (M. Cauchon), s'y est opposé, lui, en disant que l'hon. membre pour Chambly voulait saper la religion catholique au moyen de ce bill, et on a vu le Journal de Québec, qui est écrit sous l'inspiration et par le commissaire des terres, lancer ses foudres contre les membres bas-canadiens de ce côté de la chambre qui ont voté pour le bill, parce qu'il prétendait que c'était une attaque contre le catholicisme et les institutions catholiques. Tous les organes du gouvernement ont répété les mêmes accu((sa))tions et les mêmes calomnies.¹⁰⁰ He was about to read from the Journal when--¹⁰¹

MR. COM. CR. LANDS CAUCHON dit qu'il n'est pas responsable de ce qu'a dit le Journal de Québec ou les autres journaux.¹⁰²

MR. A. DORION continue en disant que le Journal a voulu soulever les préjugés religieux du peuple contre les membres qui ont supporté le bill de l'hon. membre pour Chambly, et il cite un article qu'il veut lire, mais il en est empêché par M. Cauchon et l'Orateur. Il est content de voir que le gouvernement vienne aujourd'hui avec une mesure pareille, car cela est la meilleure réponse qu'on pouvait désirer à toutes les déclamations, à toutes les calomnies débitées contre les membres de l'opposition à proposer (sic) de cette mesure.¹⁰³ He had no wish to discuss the bill as he considered it a good one and a proper course of legislation, and the course taken by this side of the House in regard to it was now admitted to be correct.¹⁰⁴ The present bill contained all that the supporters of the former one asked for.¹⁰⁵

MR. CHRISTIE also congratulated the government on the introduction, and hoped they had heard the last of the taunts thrown out against the opposition, that they were actuated by hostility to Roman Catholic institutions¹⁰⁶, since in the present case, after the loudest outcry of this kind, the ministry had adopted the very measure they and their supporters had condemned.¹⁰⁷ ((He)) considered that his side of the House deserved all the credit. The only opposition he anticipated was from Roman Catholic members at the other side.¹⁰⁸

(854)

The Order of the day for the second reading of the Bill to secure the more efficient auditing of the Public Accounts, being read;

(855)

The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Attorney General Macdonald, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Brown, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm,

Christie, Church, Clarke, Cook, Crysler, Charles Daoust, Jean B. Daoust, Darche, DeLong, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Felton, Fergusson, Ferrie, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Gould, Hartman, Jackson, Jobin, Labelle, Laberge, Langton, LeBoutillier, LeDoux, Lumsden, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Matheson, Mattice, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Murney, Papin, Patrick, Poulin, Pouliot, Powell, Prévost, Rankin, Robinson, Rolph, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Whitney, and Young.--(83.)

NAYS.

Messieurs Bureau, Desaulniers, Dostaler, Guévremont, Thibaudeau, and Turcotte.--(6.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Masson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 7th December last, praying His Excellency to cause to be laid before the House, a Return of all Provincial Debentures issued in aid of the Ontario, Simcoe and Huron Railway Company, shewing in detail the amount and date of each issue, the date of the Order in Council under which such issue was made, and the Certificate of Work done on which such application was granted.

For the said Return, see Appendix (Q.Q.Q.)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated the 13th ultimo, praying His Excellency to cause to be laid before the House, copies of the By-Laws or Statutes which have been pre-

(856)

sented to His Excellency by the Toronto University, and which have received his sanction, together with a Statement of the number and amount of the Scholarships, the establishment of which His Excellency has sanctioned, of the names and residences of the persons upon whom they have been conferred, of the number of Matriculated and other Students in University College, Toronto, their names, residences, and dates of Matriculation, and the amount charged each Student for the several courses of Lectures, and the sums actually received for the current year, or terms ending this year.

For the said Return, see Appendix (M.)

On motion of MR. S. SMITH,¹⁰⁹

(856)

Ordered, That the Return relating to the Provincial Debentures issued in aid of the Ontario, Simcoe, and Huron Railway Company, be referred to the Special Committee appointed for the investigating all charges preferred against the Members of the late Administration.

On motion of the Honorable Mr. Cayley, seconded by the Honorable Mr. Attorney General Macdonald,

Resolved, That this House will, on Friday next, resolve itself into a Committee to consider the expediency of providing for the payment of the Salary of an Auditor of Public Accounts.

On motion of MR. AT. GEN. DRUMMOND¹¹⁰,

(856)

The House, according to Order, again resolved itself into a Committee on the Bill to reform the Municipal System of Lower Canada, and to establish County, Parish, and Township Municipalities therein; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Casault reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Friday next.¹¹¹

On motion of Mr. Christie, seconded by Mr. Aikins,

Ordered, That the Bill to incorporate the Town of Paris, and to define the limits thereof, be now read a second time.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

On motion of the Honorable Mr. Cameron, seconded by Mr. Solicitor General Smith,

Ordered, That the Bill to amend the Law relating to the custody of Infants, be now read a second time.

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Cameron, Mr. Solicitor General Smith, the Honorable John Sandfield Macdonald, Mr. Foley, and Mr. Brown, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Then, on motion of Mr. Solicitor General Smith, seconded by Mr. Thibaudeau, The House adjourned until Thursday next.

APPENDIX: 17 APRIL 1855.

((NOTICE OF MOTION RE: ADDRESS FOR CORRESPONDENCE CONCERNING GRAND TRUNK RAILWAY.))

MR. J.S. MACDONALD (Glengary) ((donne avis que)) vendredi prochain ((il présentera une)) Adresse à son excellence, demandant qu'il lui plaise de faire mettre devant cette chambre copies de tous les rapports de l'ingénieur ou des ingénieurs nommés par le gouvernement pour inspecter les travaux faits sur les différentes sections du grand tronc de chemin de fer du Canada, et les matériaux livrés sur le terrain pour ce chemin de fer, indiquant les différentes sections, subdivisions et localités de ce chemin de fer où tels travaux ont été faits, et où les dits matériaux (avec détails) ont été livrés à la date de chaque rapport, depuis le commencement des dits travaux jusqu'à ce jour; aussi, copie de toute la correspondance échangée entre le gouvernement ou aucun de ses membres et cette compagnie et les entrepreneurs, MM. Peto, Bressy, Betts et Jackson, au sujet du dit chemin de fer, jusqu'à cette époque; aussi, un état détaillé, avec les dates de tous les paiements faits à la dite compagnie en raison de la garantie provinciale stipulée par l'acte 16 Vict., chap. 37, et copies de tous les ordres (sic) en conseil relatifs à icelle, et de la correspondance échangée entre le receveur-général de cette province et MM. Glynn, Mills et Cie., et MM. Barings Frères et Cie., les agents de finance de cette province, relativement au paiement de débentures provinciales à Londres à la dite compagnie, à venir jusqu'à ce jour; aussi, copies de toutes lettres ou correspondances entre la dite compagnie et les entrepreneurs susdits au sujet du dit chemin de fer et concernant le contrat ou les contrats passés entre les parties qui sont en la possession du gouvernement.¹¹²

((WITHDRAWN MOTION RE: DESJARDINS CANAL.))

MR. POST. GEN. SPENCE moved to suspend the 62nd rule of this House, in so far as it relates to the bill to amend the Act 16th Vic. cap. 54. He explained that the bill was simply to remove a doubt as to the construction of the former act relating to the Desjardins Canal.¹¹³

MR. MACKENZIE said it would be better to abolish the rule altogether than to have the time of the House taken up with discussions as to whether or not it should be suspended in special cases. And it would be better to dispense with the committee on Standing Orders, if their decisions were to be set aside in this way by a majority of the House.¹¹⁴

MR. BROWN said the bill could not be introduced without a petition from the parties concerned.¹¹⁵

MR. SICOTTE the SPEAKER upheld Mr. Brown's objection.¹¹⁶

MR. POST. GEN. SPENCE withdrew his motion.¹¹⁷

((WITHDRAWN MOTION RE: SATURDAY SITTING OF LEGISLATIVE ASSEMBLY TO DISPOSE OF NOTICES OF MOTION.))

MR. MACKENZIE propose que la chambre siège les samedis à 3h. P.M. pour disposer des avis de motion qui s'accumulent sur la liste. Il propose cela

parce que les avis de motion sont tellement nombreux qu'il y en a maintenant onze grandes pages, et qu'il faut, si on veut en arriver à la fin, avoir un jour dans la semaine pour les prendre spécialement en considération. Cette semaine surtout il serait nécessaire de siéger samedi parce que la chambre ne siégera pas demain, jour de jeûne et prières publiques, et il ne voit aucune raison pour qu'on s'y oppose.¹¹⁸

MR. AT. GEN. DRUMMOND s'y oppose parce que le samedi est le seul jour où les membres du gouvernement puissent se réunir pour s'entendre sur les mesures publiques, et s'il fallait siéger ce jour-là, cela apporterait un retard préjudiciable dans l'action du gouvernement. D'ailleurs, aujourd'hui étant un jour du gouvernement, il ne permettra pas que cette motion soit faite.¹¹⁹

MR. MACKENZIE retire alors sa motion pour la faire un autre jour.¹²⁰

FOOTNOTES: 17 APRIL 1855.

1. GLOBE, 27 April 1855.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. MONTREAL GAZETTE, 20 April 1855. This newspaper normally contains the same reports as the MORNING CHRONICLE, with a few corrections added, but is published at a later date. In this case, however, MONTREAL GAZETTE, 20 April 1855, published its account a day earlier than MORNING CHRONICLE.
11. Telegraph (GLOBE, 18 April 1855).
12. MONTREAL GAZETTE, 20 April 1855.
13. IBID.
14. IBID.
15. GLOBE, 27 April 1855.
16. MONTREAL GAZETTE, 20 April 1855.
17. IBID.
18. GLOBE, 27 April 1855.
19. MONTREAL GAZETTE, 20 April 1855.
20. IBID.
21. GLOBE, 27 April 1855.
22. IBID.
23. LE PAYS, 21 April 1855.
24. IBID.
25. GLOBE, 27 April 1855.
26. IBID.
27. MONTREAL GAZETTE, 20 April 1855.
28. MORNING CHRONICLE, 19 April 1855.
29. Telegraph (GLOBE, 18 April 1855).
30. MORNING CHRONICLE, 19 April 1855.
31. MONTREAL GAZETTE, 20 April 1855.
32. LE PAYS, 21 April 1855.
33. MONTREAL GAZETTE, 20 April 1855.
34. MORNING CHRONICLE, 19 April 1855.
35. Telegraph (GLOBE, 18 April 1855).
36. MONTREAL GAZETTE, 20 April 1855.
37. LE PAYS, 21 April 1855.
38. MONTREAL GAZETTE, 20 April 1855.
39. LE PAYS, 21 April 1855.
40. IBID.
41. MONTREAL GAZETTE, 20 April 1855.
42. LE PAYS, 21 April 1855.
43. MONTREAL GAZETTE, 20 April 1855.
44. LE PAYS, 21 April 1855.
45. IBID.
46. IBID.
47. MORNING CHRONICLE, 21 April 1855.

48. IBID.
49. GLOBE, 27 April 1855.
50. MORNING CHRONICLE, 21 April 1855.
51. GLOBE, 27 April 1855.
52. LE PAYS, 21 April 1855.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. GLOBE, 27 April 1855.
59. LE PAYS, 21 April 1855.
60. GLOBE, 27 April 1855.
61. LE PAYS, 21 April 1855.
62. GLOBE, 27 April 1855.
63. LE PAYS, 21 April 1855.
64. GLOBE, 27 April 1855.
65. LE PAYS, 21 April 1855.
66. GLOBE, 27 April 1855.
67. MORNING CHRONICLE, 21 April 1855.
68. LE PAYS, 21 April 1855.
69. MORNING CHRONICLE, 21 April 1855.
70. Scrapbook Hansard (17 April 1855).
71. MORNING CHRONICLE, 21 April 1855.
72. TORONTO DAILY LEADER, 24 April 1855. This portion of Mr. Mackenzie's speech is the only one reported by TORONTO DAILY LEADER, 24 April 1855. It was placed as the last component of Mr. Mackenzie's speech as it differs in substance from the other newspaper accounts.
73. LE PAYS, 21 April 1855.
74. IBID.
75. GLOBE, 27 April 1855.
76. LE PAYS, 21 April 1855. The ellipsis has been reproduced in the debate as it appears in LE PAYS, 21 April 1855.
77. LE PAYS, 21 April 1855.
78. IBID.
79. IBID.
80. IBID.
81. GLOBE, 27 April 1855.
82. LE PAYS, 21 April 1855.
83. GLOBE, 27 April 1855.
84. IBID.
85. IBID.
86. TORONTO DAILY LEADER, 24 April 1855.
87. GLOBE, 27 April 1855.
88. TORONTO DAILY LEADER, 24 April 1855.
89. GLOBE, 27 April 1855.
90. TORONTO DAILY LEADER, 24 April 1855.
91. GLOBE, 27 April 1855.
92. TORONTO DAILY LEADER, 24 April 1855.
93. GLOBE, 27 April 1855.
94. TORONTO DAILY LEADER, 24 April 1855.
95. GLOBE, 27 April 1855.

96. TORONTO DAILY LEADER, 24 April 1855.
97. GLOBE, 27 April 1855.
98. LE PAYS, 21 April 1855.
99. GLOBE, 27 April 1855.
100. LE PAYS, 21 April 1855.
101. Scrapbook Hansard (17 April 1855).
102. LE PAYS, 21 April 1855.
103. IBID.
104. TORONTO DAILY LEADER, 24 April 1855.
105. GLOBE, 27 April 1855.
106. IBID.
107. MORNING CHRONICLE, 21 April 1855.
108. TORONTO DAILY LEADER, 24 April 1855.
109. GLOBE, 27 April 1855.
110. TORONTO DAILY LEADER, 24 April 1855.
111. TORONTO DAILY LEADER, 24 April 1855. According to TORONTO DAILY LEADER, 24 April 1855, this Committee was "in session for some hours". However, no debate has been reported by the newspapers.
112. LE PAYS, 24 April 1855.
113. GLOBE, 27 April 1855.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. LE PAYS, 21 April 1855.
119. IBID.
120. IBID.

THURSDAY, 19 APRIL 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Ferrie,--The Petition of David Reist and others, of the County of Waterloo; the Petition of Andrew Lightbody and others, of the County of Wellington; the Petition of T.G.S. Nevills and others, of the County of Waterloo; and the Petition of George Thomson and others, of the County of Waterloo.

By the Honorable Mr. Young,--The Petition of the Reverend Patrick Dowd and others, the Committee of the St. Patrick's Orphan Asylum of Montreal.

By Mr. Clarke,--The Petition of James Wilson and others, of the Township of Garafraxa, in the County of Wellington.

By Mr. Dufresne,--The Petition of Ignace Moisan, of the Township of Rawdon, in the County of Montcalm.

By Mr. McCann,--The Petition of S.M. Cushman and others, Clerks of Division Courts for the United Counties of Prescott and Russell.

By Mr. Hartman,--The Petition of Mary Jakeway and others, of the Township of East Gwillimbury; the Petition of Aaron Jakeway and others, of the Township of East Gwillimbury; the Petition of James Davis and others, of the County of York; the Petition of John Wells and others, of the County of York; and the Petition of Henry Stewart and others, of the County of York.

By Mr. Mackenzie,--The Petition of John Bamberger and others, of the County of South Wentworth; the Petition of Donald Black and others, of the County of Wellington; the Petition of Freeman H. Ward and others, of the County of Middlesex; and the Petition of James McLean and others, of the County of York.

By Mr. Brodeur,--The Petition of Hubert Piché and others, of the Parish of St. Hugues.

By Mr. Daly,--The Petition of the Municipal Council of the County of Perth.

By Mr. Biggar,--The Petition of Charles Hedgers and others, of the County of West Brant.

By Mr. Brown,--The Petition of The Session of Chalmer's Presbyterian Church, Kingston; the Petition of the Reverend William Fraser and others, of the Townships of West Gwillimbury and Tecumseth; the Petition of James Spittal and others, of the Counties of Wentworth and Haldimand; the Petition of the Reverend Samuel Harris and others, of the Township of Sarnia; the Petition of George Cheyne and others, of the County of Wentworth; and the Petition of A. Campbell and others, of the Town of Chatham.

By the Honorable John Sandfield Macdonald,--The Petition of the Municipal Council of the United Counties of Stormont, Dundas and Glengarry.

By Mr. Wright,--The Petition of John Scott and others, of the Village of Naparee; the Petition of J.R. Lamoureux and others, of the County of Huntingdon; and the Petition of William Nicol and others, of the County of York.

By Mr. Turcotte,--The Petition of the Reverend J. Lebourdais, Curé, and others, of the Parish of St. Antoine de la Rivière du Loup, County of Maskinongé.

By Mr. Jean Baptiste Eric Dorion,--The Petition of Joseph Béliveau and others, of the Township of Bulstrode; the Petition of Noël Hébert and others, of the Township of Arthabaska, and of the Parish of St. Norbert d'Arthabaska; the Petition of Joseph Girouard and others, of the Township of Stanford; the Petition of Auguste Quesnel and others, of the Parish of St. Norbert d'Arthabaska; and the Petition of F.X. Buteau and others, of the Township of Chester.

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By the Honorable Mr. Spence,--The Petition of the Honorable Robert Spence and others, of the County of Wentworth.

By Mr. Somerville,--The Petition of the Mechanics' Institute and Library Association of Huntingdon.

By the Honorable Sir Allan N. MacNab,--The Petition of John Hamilton and others, Owners and Proprietors of the Mail Line of Steamboats upon Lake Ontario; the Petition of Messieurs Buchanan, Harris, and Company, and others, Merchants, and others, of the City of Hamilton; the Petition of Robert W. Harris and others, of the City of Hamilton and neighbourhood; and the Petition of the Hamilton Board of Trade.

By Mr. Aikins,--The Petition of William Johnston and others, of the County of Peel.

By the Honorable Mr. Chauveau,--The Petition of A.J. Duchesnay and others, of the Counties of Portneuf and Quebec.

By Mr. Foley,--The Petition of Peter Smith and others, of the County of Waterloo; the Petition of O.M. Smith and others, of the Township of Charlottetown, in the County of Norfolk; the Petition of the Mechanics' Institute of Berlin; and the Petition of Michael Collner and others, of the Township of Townsend, in the County of Norfolk.

By Mr. Matheson,--The Petition of Justus A. Ford and others, of the County of Oxford.

By Mr. Fournier,--Two Petitions of Simeon Fraser and others, of the Parish of St. Jean Port Joli, in the County of L'Islet.

By Mr. Alleyne,--The Petition of the Quebec Board of Trade.

By Mr. Powell,--The Petition of Hugh Fraser and others, of the City of Ottawa.

By the Honorable Mr. Attorney General Macdonald,--The Petition of J. Counter and others, Trustees of the Wesleyan General Hospital.

Pursuant to the Order of the day, the following Petitions were read:--

Of John Morrison, of the Village of Huntingdon, and of William Lamb, of the Parish of Godmanchester, in the County of Huntingdon, Justices of the Peace, representing that on the 25th of October last, they issued a Warrant for the apprehension of William Gray for the murder of his wife, upon which he was arrested,--that whilst in the custody of the Constable under the said War((r))ant, Benjamin Delisle, High Constable of the District of Montreal, removed him to the City of Montreal, in virtue of a Warrant of Alexis Laframboise, a Magistrate of Montreal, and detained him in the said City in defiance of the authority of the Petitioners, as Justices of the Peace; and praying for an Act to secure County Magistrates in the exercise of their duty.

Of the Bytown and Prescott Railway Company; praying for the passing of an Act authorizing them to lease their said Railroad, and to change the name of the said Road.

Of Joseph Johnson and others, of the Township of Winchester, County of Dundas; praying for the construction of a Canal to connect the Waters of the St. Lawrence with those of the Nation River.

Of Maxime Gravelle, of the Parish of Ste. Elizabeth, in the County of Joliette, representing that he had made a discovery of Copper Ore in the Parish of Ste. Elizabeth; and praying for indemnification, and for aid to prosecute the said discovery.

Of J. Rousseau and others, of the Parish of La Baie; praying that a permanent Seat of Government may be established.

Of the Committee of Management of the Mechanics' Institute and Library Association of Sorel; praying for aid.

Of the Reverend P. Patry and others, of the Parishes of St. Paschal and St. Louis de Kamouraska; praying aid for a Road.

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Of Uriah Corlis and others, of the Township of Townsend, County of Norfolk; of Gideon Shepard and others, of the City of Hamilton; of Robert McNair and others, of Vaughan and other Townships, County of York; of William Jones and others, of the Township of Rainham, County of Haldimand; of James Foster and others, of the County of Wentworth; of John Austin and others, of the County of Simcoe; of William Gilroy and others, of the Township of Whitchurch, in the United Counties of York and Peel; and of James Walker and others, of the County of Norfolk; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of the Municipality of the Township of Eldon; praying that the Concession line between the 10th and 11th Concessions in the said Township may be surveyed.

Of William Cottingham, of Emily; praying for the passing of an Act to protect Mill Owners in general.

Of the Right Reverend the Roman Catholic Bishop of Toronto and others; of H.F. Friel, Mayor, and others, Roman Catholic Inhabitants of the Diocese of Bytown; of Joseph Aumond and others, Roman Catholic Inhabitants of the Town of Bytown; of the Reverend Patrick Dollard and others, Roman Catholics, of the Diocese of Kingston; and of Donald McDonald and others, of the Diocese of Kingston; praying that the law regulating Separate Schools in Upper Canada may be assimilated to the law of Lower Canada.

Of Samuel Zimmerman, of Niagara Falls; representing that he has established a Bank at Elgin under the Free Banking System; and praying for an Act to incorporate the same.

Of the Mayor, Aldermen, and Councillors of the City of Quebec; praying that the Bill from the Legislative Council to prevent interments in certain Burial Grounds in the City of Quebec may become law.

Of the Quebec Fire Assurance Company; praying for certain amendments to their Act of Incorporation.

Of Joseph Coté, M.D., and others, of the Parish of St. Vallier; praying that the said Parish may be annexed to the District of Quebec for judicial purposes.

Of the Reverend J. Nault and others, School Commissioners and others, of the Parish of St. Laurent, Island of Orleans; praying for an aid.

Of John Gregg and others, of the District of Gaspé; praying aid for a Road.

Of Thomas Burns and others, Clerks of Division Courts for the United Counties of Lincoln and Welland; of Charles H. Sache and others, Clerks of Division Courts for the United Counties of Lanark and Renfrew; of John Hall and others, Clerks of Division Courts for the United Counties of Peterborough and Victoria; of Charles Hawkins and others, Clerks of Division Courts for the County of Oxford; and of William M. Parke and others, Clerks of Division Courts for the United Counties of Stormont, Dundas, and Glengarry; praying that the Tariff of Fees allowed them under the Act 16 Vic. cap. 53, may be increased.

Of William Power, Esquire, of the City of Quebec, Circuit Judge; praying for payment of his account as Commissioner for the examination of Witnesses on the trial of the Contested Election for the County of Megantic.

Of M.A. Hearn, of the City of Quebec, Student-at-Law; praying for payment of his account as Clerk to the Commission for the examination of Witnesses on the trial of the Contested Election for the County of Megantic.

Of John Scott and others, of the Counties of Lambton and Kent; and of Richard Morick and others, of Lambton and Kent; praying for an Act of Incorporation to construct a Railroad from Rondeau Harbour to the River St. Clair.

Of Phillip Troeller, of the Township of Walpole, County of Haldimand; praying for a grant of Land for his services in the King's German Legion.

Of Joseph M. Reily and others, of the Township of Williams, County of

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Middlesex; praying that the said Township may be divided into two separate Townships.

Of François Rouleau and others, of the County of Berthier, Censitaires; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of Olivier Caron and others, of the Parish of Ste. Ursule; praying to be indemnified for services rendered during the last war.

Of Mrs. F.X. Roy and others, Directresses of the Asylum of the Good Shepherd, at Quebec; praying for an aid.

Of H.F Charlebois, Registrar for the County of Vaudreuil; praying that no change may be made in the said County for Registration purposes.

On motion of the Honorable Sir Allan N. MacNab, seconded by Mr. Chisholm,

Ordered, That the Petition of Robert W. Harris and others, of the City of Hamilton and neighbourhood, be now received and read; and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying for the passing of an Act to establish a College in the said City of Hamilton, to be called the Hamilton College.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to declare the Act confirming a Survey of the Township of Ameliasburgh to extend to the Township of Hillier, which at the time of the Survey formed part of Ameliasburgh,--and have agreed to report the same without any amendment.

They have also examined the Bill to amend the Act of the present Session, intituled, "An Act to authorize the sale of certain Lands described as Lots numbers five and six in Division A, of the Township of Guelph, and the reinvestment of the proceeds for the object of the Trust," by substituting another Trustee in lieu of the Trustees nominated by the said Act, and they have agreed to an amendment for inserting the names of two additional Trustees, which, with other amendments, they beg to submit for the consideration of Your Honorable House.

Your Committee would also beg leave to recommend that the Fee of Fifteen pounds, be dispensed with upon this Bill, the Fee having already been paid by the same parties upon the former Bill during the present Session, and the present Bill having been rendered necessary only by the refusal of the Trustees appointed under the first Act to assume the Trust imposed upon them.

The Honorable Mr. Cameron reported from the Select Committee on the Bill to amend the Law relating to the custody of Infants, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Ordered, That the Bill to amend the Act of the present Session, intituled, "An Act to authorize the sale of certain Lands described as Lots numbers five and six in Division A, of the Township of Guelph, and the re-investment of the proceeds for the objects of the Trust," by substituting another Trustee in lieu of the Trustees nominated by the said Act, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

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Ordered, That the Bill to declare the Act confirming a Survey of the Township of Ameliasburgh to extend to the Township of Hillier, which at the time of the Survey formed part of Ameliasburgh, be read the third time To-morrow.

MR. BROWN, before the orders of the day were called, wished to put a question to the Government on a subject of much interest to ship-owners and commercial men generally--namely, as to the arrangements that were being made in regard to the tug-boat service, on the St. Lawrence, between Kingston and Montreal. When the matter was some time ago before the House, the Chief Commissioner of Public Works stated that those arrangements would be submitted to Parliament before being finally completed. As the season of navigation was now about commencing, he hoped the hon. gentlemen would be kind enough to state how the matter stood.¹

MR. COM. PUB. WORKS LEMIEUX said that a number of tenders had been received, and the Government were prepared to accept one of those tenders, so soon as it should receive the approval of the House. (Hear, hear.)²

The first order of the day being "Receiving Report of the committee of whole, on bill to prevent traffic in Intoxicating Liquors,"³

MR. FELTON moved that the said report be now received.⁴

DR. T. FORTIER (Nicolet) and MR. LORANGER wished that the order should be postponed, the Bill as amended by the committee of the whole having been printed only in English, and not in French.⁵

DR. POULIN did not see any necessity for it--objections might be taken to anything objectionable in the third reading.⁶

MR. BROWN said there had been no order to re-print the Bills, although there had been an understanding to that effect, and he would suggest to the French members, that they understood the English version sufficiently well to allow the Bill to pass its present stage, and they would have another opportunity of moving amendments, when it came up for the third reading, by which time it would be in the hands of members in both languages.⁷

MESSRS. CHAUVEAU and LORANGER thought it was very necessary. The amendments could only be properly considered on the question of commerce. Many voted for the second reading of the bill on the understanding that it would be much amended. They should be afforded an opportunity of deciding whether the amendments made were satisfactory.⁸

MR. SICOTTE the SPEAKER said the order of the House was that Bills, before their second reading, should be printed both in French and English, in equal proportions, and he should be disposed to rule when a Bill was ordered to be printed at any other stage, that the same principle should apply.⁹ ((He)) thought the motion should not be put till the reprinting had been completed.¹⁰

MR. FELTON had used his best efforts to have it reprinted in time but had failed.¹¹

Finally the question of Commerce in the amendment was postponed until Monday next.¹²

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Ordered, That the Honorable Sir Allan N. MacNab have leave to bring in a Bill to establish a College in the City of Hamilton.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Taché have leave of absence for the remainder of the Session.

Ordered, That the Petition of John Morrison, of the Village of Huntingdon, and of William Lamb, of the Parish of Godmanchester, in the County of Huntingdon, Justices of the Peace, be printed for the use of the Members of this House.

Ordered, That the 62nd Rule of this House be suspended as regards a Bill to amend the provisions of the several Acts for the Incorporation of the City of Montreal.

Ordered, That Mr. Antoine Aimé Dorion have leave to bring in a Bill to amend the provisions of the several Acts for the Incorporation of the City of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The Order of the day for the third reading of the Bill to amend the Port Dalhousie and Thorold Railway Act, by extending the said Road from Thorold to Port Colborne, and for other purposes, being read;

Ordered, That the Bill be read the third time on Thursday next.

MR. J. MORRISON (Niagara) moved the second reading of the Bill to amend the Hamilton and Toronto Railway Act.¹³

MR. CHISHOLM objected to the bill that proper notice had not been given to the parties interested of its true object, which was to give the Company power to erect bridges over two rivers, both navigable.¹⁴ The petition only asked for a right to construct such a bridge over the Humber but the bill gave them a right to construct over that bridge and others. He had a petition too shewing that the bill contained an unnecessary infringement of the rights of an individual named Howland. He moved that it should be read a second time that day six months.¹⁵

MR. J. SMITH (Victoria) was really astonished at the course pursued by the honorable member for Halton.¹⁶

MR. J.S. MACDONALD (Glengarry) hoped that the motion would be withdrawn--the drawbridge should not stand in the way, for assuredly the Bill would pass. The Humber was undoubtedly an important river, but the question might as well be taken now as at any other time.¹⁷

MR. LANGTON thought that the Bill ought to be referred to the Committee on Standing Orders for their report upon it. There was not one man in twenty who knew any thing about the object of the Bill.¹⁸

MR. BROWN.--There must be a bridge over the Humber, but it is not necessary to give a Charter to the Company unless the bridge be constructed in such a manner as not to interrupt the navigation.¹⁹ The company must have power to make bridges, but probably they would be required to make them draw-bridges.²⁰

MR. MERRITT did not think that the House would violate private rights for the sake of any Company.²¹

MR. J. MORRISON (Niagara).--Every person interested has had notice of the Bill, and every interest will be protected.²²

MR. AIKINS.--Several parties who have rights have been bought off.²³

MR. HINCKS could see no harm in that.²⁴

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The Order of the day for the second reading of the Bill to amend the Act incorporating the Hamilton and Toronto Railway Company, being read;

Mr. Joseph Curran Morrison moved, seconded by Mr. Sidney Smith, and the Question being proposed, That the Bill be now read a second time;

Mr. Chisholm moved in amendment to the Question, seconded by Mr. Poulin, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Chisholm, and Poulin.--(2.)

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NAYS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Bourassa, Bowes, Brodeur, Brown, Bureau, Burton, Cartier, Casault, Chabot, Chapais, Chauveau, Clarke, Cook, Crawford, Daly, Charles Daoust, Jean B. Daoust, Delong, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Ferres, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Fraser, Gamble, Gill, Gould, Guévremont, Hincks, Jobin, Labelle, Langton, LeBoutillier, Lemieux, Loranger, Lumsden, Macbeth, John S. Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Niles, Papin, Patrick, Pouliot, Powell, Prévost, Rankin, Robinson, Rolph, Solicitor General Ross,

Sanborn, Scatcherd, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, Whitney, Wright, Yeilding, and Young.--(87.)

So it passed in the Negative.

(862)

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate certain persons under the name and style of the Stratford and Huron Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Burton reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Monday next.

The House, according to Order, resolved itself into a Committee on the Bill to authorize the Courts of Queen's Bench, Common Pleas and Chancery, in Upper Canada, to admit John Jermy Macaulay, to practise as an Attorney and Solicitor therein respectively; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gamble reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Grand and Subordinate Divisions of the Sons of Temperance in Lower Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Clarke reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the House in Committee on the Bill from the Legislative Council, intituled, "An Act to prohibit Interments in certain Burial Grounds in the City of Quebec," being read;

On motion of MR. ALLEYN,²⁵

(862)

Ordered, That the said Order of the day be discharged.

Ordered, That the Bill be referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the several Petitions presented to this House on the subject of the said Bill, be referred to the said Committee.

The Order of the day for the second reading of the Bill to establish a Registry Office in the County of Bagot, being read;

Ordered, That the said Order of the day be discharged.

The Order of the day for the second reading of the Bill to establish a

(863)

Registry Office in and for the County of Huntingdon and part of the County of Chateauguay, being read;

Ordered, That the Bill be read a second time on Thursday next.

On motion of MR. LANGTON,²⁶

(863)

The Order of the day for the second reading of the Bill to authorize the Municipality of the Village of Oshawa to construct a Harbour on Lake Ontario, and to make a Tram Road therefrom to the Village, with power to extend the same to Scugog Lake, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

MR. J. MORRISON (Niagara) moved that the Bill to incorporate the Upper Canada Bible Society be now read a second time.²⁷

MR. BROWN said he believed this to be the best Society in existence, but he was quite sure that not the slightest necessity existed for an Act of Incorporation. The only possible ground for the application was that a house had been left to the Society in Yonge St., and that there was some little difficulty, under the law of Trusteeship, about handing it down from one set of managers to their successors, but²⁸ there was really no difficulty about it. He was a member of the Society himself, and²⁹ he felt persuaded the Society would get on without an Act of Incorporation in the future quite as well as they had done for the last 20 or 30 years. He deeply regretted that while so many injurious Bills were being forced on the Legislature, the Bible Society managers should be found weakening the hands of those who were resisting them. He would move that the Bill be read a second time that day six months.³⁰

MR. HARTMAN would vote for the bill. He did not object to these corporations but he³¹ objected to the clause, allowing the Society to hold real estate, yielding an annual revenue of 500L, and would vote against that clause at the present time, for he did not see it to be his duty to vote against the second reading of the Bill.³²

(863)

The Order of the day for the second reading of the Bill to incorporate the Upper Canada Bible Society, being read;

Mr. Joseph Curran Morrison moved, seconded by Mr. James Smith, and the Question being proposed, That the Bill be now read a second time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Christie, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

The the main Question being put; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellan((e))ous Private Bills.

MR. J. MORRISON (Niagara) then moved the second reading of the Bill to Incorporate the Upper Canada Religious Tract Society.³³

MR. BROWN said that, if there was a plausible plea for the previous Bill, there was not the slightest ground whatever but (sic) this. The Tract Society held no real estate, and did not want to hold any.³⁴ He said he was a member of the Committee of Management³⁵. He moved in amendment that the Bill be read a second time that day six months.³⁶

(863)

The Order of the day for the second reading of the Bill to incorporate the Upper Canada Religious Tract and Book Society, being read;

Mr. Joseph Curran Morrison moved, seconded by Mr. James Smith, and the Question being proposed, That the Bill be now read a second time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Christie, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

MR. ALLEYN moved the House into Committee on the Bill to Incorporate the congregation of Catholics at Quebec speaking the English language.³⁷

MR. BROWN asked how the qualification of the parties to be incorporated by this Bill was to be decided? How much English would be considered as speaking the English language? (Laughter.) There were a number of points in this Bill that deserved particular attention. They were asked to deal with the property of this congregation, to alter the intention of the donors regarding it, and to hand it over to certain ecclesiastics and their nominees who had petitioned this House. The Bill was before the House last Parliament, but did not pass, and he trusted it would meet with the same fate in the present Parliament. There could be nothing more dangerous than for the Legislature to interfere in matters of this sort, and to alter the dispositions of property. There was another strong objection to the Bill, that it asked the Legislature to interfere in the internal management of the affairs of this congregation, providing the mode of election of church wardens and so forth. (Hear, hear.)³⁸ Why not leave this congregation in the same position as all others.³⁹

MR. FERRES saw no objection to the Bill, except that it authorized the Corporation to hold real estate of the annual value of 2000L.⁴⁰

MR. ALLEYN.--That is altered.--It is reduced to 1000L.⁴¹

MR. J.S. MACDONALD (Glengary) said that if the individuals concerned wished for this charter, he did not see why the Legislature should not give it to them. He would give the same thing to any denomination that asked for it.⁴²

MR. BROWN was astonished that his hon. friend from Glengary should take that view of the case. The hon. gentleman had joined him in contending for the

entire separation of Church and State, for the secularization of the Clergy Reserves, the abolition of the Rectories, and against sectarian schools--and now he said that he had no objection to this Legislature interfering in Church matters, if the people interested but asked them. (Hear, hear.) He (Mr. Brown) could conceive no more direct interference with Church matters than there was in this Bill, by which they were asked to lay down certain rules for the congregation, and to take the control over their property out of the hands of the people and place it in those of certain Church dignitaries. (Hear, hear.) The Bill provided that the affairs of the congregation were to be managed in a particular manner, and this, although the House had no evidence before them, that such was the desire of the people themselves. (Hear, hear.)⁴³

MR. HARTMAN said his principal objection to the Bill was that it contained the property clause, authorizing the corporation to hold real estate of the annual value of 1000L.⁴⁴

MR. J.S. MACDONALD (Glengarry) said he had understood from the member for Quebec that that clause had been struck out.⁴⁵

MR. ALLEYN.--The sum has been made smaller; reduced from 2000L to 1000L.⁴⁶

MR. J.S. MACDONALD (Glengarry).--With that clause in it, I will vote against the bill.⁴⁷

(863)

The Order of the day for the House in Committee on the Bill to incorporate the Congregation of the Catholics of Quebec speaking the English Language, being read;

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Loranger reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Mr. Alleyn moved, seconded by Mr. Loranger, and the Question being proposed, That the Bill be read the third time To-morrow;

Mr. Brown moved in amendment to the Question, seconded by Christie, That the word "To-morrow" be left out, and the words "this day six months" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

(863-864)

YEAS.

Messieurs Bell, Biggar, Brown, Chisholm, Christie, Delong, Fergusson, Gould, Hartman, Lumsden, John S. Macdonald, Matheson, Mattice, Munro, Rolph, Scatcherd, Somerville, and Wright.--(18.)

(864)

NAYS.

Messieurs Alleyn, Blanchet, Bourassa, Bowes, Brodeur, Bureau, Cameron, Casault, Cayley, Chabot, Chapais, Chauveau, Church, Clarke, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Dostaler, Attorney General Drummond, Dufresne, Ferres, Thomas Fortier, Fournier, Gamble, Gill, Guévremont, Huot, Jackson, Laberge, Laporte, Larwill, LeBoutillier, Lemieux,

Loranger, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Meagher, Murney, Poulin, Prévost, Rankin, Rhodes, Robinson, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Spence, Terrill, Thibaudeau, Whitney, and Young.--(60.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be read the third time To-morrow;

MR. FERRES also moved in amendment "That the bill be recommitted, with instructions to leave out so much of the first clause thereof as authorizes the Corporation to hold real property, to the extent of 1000L of yearly revenue."⁴⁸

MR. ALLEYN opposed the amendment, and maintained that better landlords could not be found in Lower Canada than these Religious Incorporations. He knew of an Ecclesiastical Seignior, every censitaire on which had declined taking advantage of the Seigniorial Act passed in the early part of the Session. He believed there had never been any abuse in Canada of the right of these parties to hold property, and situated as the population of this country was, he did not think there was any danger of one sect in it ever dominating over another.⁴⁹

MR. GOULD looked upon this Bill as even more obnoxious than the one for the Incorporation of the Toronto St. Michael's College. That was an educational institution, this was purely religious. Those constant applications for Incorporations pressed upon his mind the necessity for some general Act, by which every such body of whatever denomination might hold lands, sufficient for its own actual use, but not for revenue, without perpetually applying for special charters. Notwithstanding what the member for Quebec said about nuns and ecclesiastics making good landlords, he could not think it desirable that the Legislature should create landlords of that character, (Hear, hear.)⁵⁰

MR. FERRES repeated that he had no objection to giving an Act of Incorporation to such bodies, provided it was simply for the purpose of enabling them to manage their own affairs, but he had strong and insuperable objections to any of those Corporations having it in their power to lock up in mortmain the land of this country.⁵¹ He would give this corporation or others the power to receive bequests of land on condition of disposing of it in 5, 10 or 15 years, so that it might be returned to the use of the people of the country and not to be shut up from them.⁵²

(864)

Mr. Ferres moved in amendment to the Question, seconded by Mr. Sanborn, That all the words after "be" to the end of the Question be left out, in order to add the words "re-committed to a Committee of the whole House, with instructions to leave out so much of the 1st Clause thereof as authorizes the Corporation to hold real property to the extent of one thousand pounds of yearly revenue" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Biggar, Brown, Burton, Chisholm, Christie, Church, Cook, Darche, DeLong, DeWitt, Jean B.E. Dorion, Fergusson, Ferres, Gamble, Gould, Hartman, Holton, Huot, Jackson, Langton, Lumsden, John S. Macdonald, Matheson,

Mattice, Merritt, Munro, Niles, Papin, Rolph, Sanborn, Scatcherd, Somerville, Wright, and Young.--(35.)

(864-865)

NAYS.

Messieurs Alleyn, Blanchet, Bowes, Brodeur, Cameron, Cartier, Chabot, Chapais, Chauveau, Clarke, Crawford, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gill, Guévremont, Hincks, Jobin, Labelle, Laberge, Laporte, LeBoutillier, Lemieux, Loranger, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Masson, Meagher, Mongenais, Joseph C. Morrison, Poulin, Pouliot, Prépost, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Thibaudeau, Turcotte, and Whitney.--(51.)

So it passed in the Negative.

(865)

Then the main Question being put;

Ordered, That the Bill be read the third time To-morrow.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to provide for an increase of the Capital Stock of the Quebec Gas Company," to which they desire the concurrence of this House.

And then he withdrew.

On motion of MR. CAMERON,⁵³

(865)

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Canadian Order of Odd Fellows in connection with the Manchester Unity; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Rankin reported, That the Committee had gone through the Bill, and made an amendment thereunto.

MR. CAMERON moved that the Report of the Committee of the whole be now received.⁵⁴

MR. LANGTON begged to call the attention of the member for Lambton (Mr. Brown) to this Bill. The order seemed to be of the Ecclesiastical class containing as it did Patriarchs and High Priests &c. (Laughter.)⁵⁵

MR. THIBAudeau, as a Catholic, was opposed to Secret Societies, and believing this to be such, moved in amendment that the Report be received this day six months.⁵⁶

(865)

And the Question being put, That the Report be now received;

Mr. Thibaudeau moved in amendment to the Question, seconded by Mr. Desaulniers, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Blanchet, Bourassa, Brodeur, Bureau, Chapais, Charles Daoust, Desaulniers, Dionne, Dostaler, Thomas Fortier, Octave C. Fortier, Guévremont, Huot, Jobin, Labelle, Laberge, Laporte, Marchildon, Masson, Mongenais, Pouliot, Prévost, Rolph, and Thibaudeau.--(24.)

NAYS.

Messieurs Alleyn, Bell, Biggar, Bowes, Brown, Burton, Cameron, Cartier, Cayley, Chabot, Chisholm, Church, Clarke, Cook, Crawford, Darche, DeLong, DeWitt, Jean B.E. Dorion, Attorney General Drummond, Dufresne, Fournier, Gamble, Gould, Hartman, Hincks, Holton, Jackson, Langton, LeBoutillier, Lumsden, John S. Macdonald, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Joseph C. Morrison, Niles, Papin, Poulin, Rankin, Rhodes, Robinson, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Spence, Stevenson, Terrill, Turcotte, Whitney, Wright, and Young.--(54.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

Mr. Rankin reported the Bill accordingly; and the amendment was read, and agreed to.

(866)

Ordered, That the Bill be read the third time on Monday next.

The Order of the day for the second reading of the Bill to establish a Registry Office at the Port of Amherst, in the Magdalen Islands, in the County of Gaspé, being read;

Ordered, That the said Order of the day be discharged.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General--Return to an Address from the Legislative Assembly of the 28th ultimo, for copy of Correspondence relative to Contract for Tug-Boat service between Montreal and Kingston.

For the said Return, see Appendix (R.R.R.)

The Honorable Mr. Cartier also presented, by Command of His Excellency the Governor General--Report of the Council of University College, Toronto, for the year 1854.

For the said Report, see Appendix (M.)

MR. CAMERON, moved the second reading of the Bill to alter the Trust Deed of the First Coloured Calvinist Baptist Church, Toronto. He said that certain property had been bought by this congregation through Trustees from the Hon. Mr. Magill. The deed provided for the succession, and the congregation, wishing to alter the succession, had petitioned the House to that effect. Some of the congregation, however, he believed, wanted to sustain the deed in its present shape.⁵⁷

MR. BROWN said he had no objection to the end sought by this Bill if it could properly be granted, but the House should be careful about doing anything which might interfere with Real estate titles, and he hoped that the Solicitor General would look into the Bill to see that this was not done in the present case.⁵⁸

Some further conversation ((occurred.))⁵⁹

(866)

The Order of the day for the second reading of the Bill to make certain alterations in the Deed of Trust of the First Colored Calvinist Baptist Church of Toronto, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to establish a Registry Office in the County of Joliette, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to amend the Act 12 Vic. cap. 123, intituled, "An Act to divide the County of Berthier into two Municipalities, and for other purposes relative to the said County," and the Act 13 & 14 Vic. cap. 110, intituled, "An Act to remedy an error in the Act dividing the County of Berthier into two Municipalities," being read;

Ordered, That the said Order be discharged.

MR. HARTMAN having moved the second reading of the Bill to enable the Municipal Counties of Ontario, York and Peel, to redeem certain lands sold at Sheriff's sale⁶⁰.

It was contended by the Attorney and Solicitor General⁶¹ ((OR)) Generals⁶² and others, that such redemption was not expedient without the consent of the owners of the land. The petition was from a third party.⁶³

(866)

The Order of the day for the second reading of the Bill to enable the Municipal Councils of the United Counties of York and Peel, and of the County of Ontario, to redeem the rights of purchasers of certain Lands within the said Counties, sold at Sheriff's sales for Taxes on the 30th day of December, 1852, being read;

*Ordered, That the said Order be discharged.*⁶⁴

On motion of MR. CAMERON, in absence of Mr. Wilson, the House went into committee on the Bill to admit Bartholemew Galvin to practice in the Courts of Upper Canada.⁶⁵

The Bill having been reported,⁶⁶

MR. CAMERON moved that the said Bill be read a third time on Monday next.⁶⁷

MR. MACKENZIE did not know, who under the canopy of heaven this Mr. Galvin was.⁶⁸ ((He)) objected to the practice of having special Bills for admitting

legal gentlemen to practice. There ought to be one general Bill for all such cases.⁶⁹

A division having been called for by Mr. Mackenzie, the motion was agreed to⁷⁰.

(866)

The House, according to Order, resolved itself into a Committee on the Bill for the relief of Bartholomew Galvin; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Patrick reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

The Honorable Mr. Cameron moved, seconded by Mr. Brown, and the Question being put, That the Bill be read the third time on Monday next; the House divided: and the names being called for, they were taken down, as follow:--

(866-867)

YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Brown, Bureau, Cameron, Cartier, Casault, Cawston, Chabot, Church, Clarke, Cook, Crawford, DeLong, DeWitt, Dionne, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Hartman, Labelle, Langton, Laporte, Lemieux, Lumsden, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Meagher, Mongenais, Angus Morrison, Munro, Murney, Nesbitt, Paulin, Pouliot, Powell, Prévost, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, Spence, Wright, and Young.--(55.)

(867)

NAYS.

Messieurs Bourassa, Charles Daoust, Darche, Jean B.E. Dorion, Mackenzie, Papin, and Scatcherd.--(7.)

So it was resolved in the Affirmative.

The Order of the day for the second reading of the Bill to remove the seat of the Municipality Number One of the County of Rimouski to St. George de Kakouna in the said Municipality, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to authorize the keeping of separate Registers of Baptisms, Marriages, and Deaths in the different Catholic Churches in the Parish of Montreal, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

The Order of the day for the House in Committee on the Bill to establish a Registry Office in the County of Arthabaska, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to establish Registry Offices in the County of Wolfe, being read;

Ordered, That the said Order be discharged.

The House, according to Order, proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Act incorporating the Brockville and Ottawa Railway Company."

And the said Amendments were read, as follow:--

Page 1, line 22. Leave out "that."

Page 2, line 13. Leave out "or" and insert "and."

Page 2, line 38. After "Bonds" insert "and," and leave out from "Debentures" to "of."

Page 2, line 46. After "names" insert "Provided that no such Bond or Debenture be for a less sum than Twenty-five pounds currency."

Page 3, line 14. Leave out "mortgages."

Page 3, line 15. Leave out "Securities" and insert "Debentures."

Page 3, line 16. Leave out from "Company" to "the" in line 19.

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Crawford do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

MR. CAMERON, in absence of Mr. Morrison, (Niagara,) moved the second reading of the Bill to enable the Great Western Railway Company to construct a Branch Railway to the town of Brantford, and to increase its capital stock, and for other purposes. He explained that the Company had the power under its original charter, of building a second track, but it was necessary it should also have the means. Its capital would require, therefore, to be increased for that purpose, and it was with that view that the present Bill had been introduced.⁷¹

MR. MACKENZIE was of opinion that before this bill were passed into law, inquiries should be made into the capacity of the company to meet its engagements, seeing that it had already borrowed a great deal of money. No such thing should at any rate be passed hastily.⁷²

MR. HOLTON considered there were some obnoxious clauses in the Bill, but he would not oppose it just now, untill he saw whether these were expunged by the Railroad Committee.⁷³

MR. ROBLIN⁷⁴ ((OR)) MR. HOLTON⁷⁵ said there was no reason to complain of hasty legislation, since this bill had been long before the House.⁷⁶

MR. RANKIN wished to ask the Government whether they had decided upon any general course of policy with regard to railroads. From what took place in the Railroad Committee in the forenoon, he was led to believe that the Premier was disposed to countenance the introduction of a general Railway law, and, if that were the case, what was now asked by the Great Western Company, might possibly be comprehended in that general Act.⁷⁷ He must say, in this connection, that the Great Western Railway was a terribly mismanaged institution throughout all its departments.⁷⁸

MR. PRES. EX. COUN. MACNAB said the course he might take as chairman of the Railroad Committee should be distinguished from his position as a member of the Government. As Chairman of that Committee he was bound to carry out whatever that committee might decide upon, so far as reporting it to this House was concerned. But on the subject of a general Railroad Act he had no authority from his colleagues in the Government to say what course should be pursued. He had been desirous, however, of obtaining the opinion of the committee, but the

only question before the committee was as to the expediency of having a general Railway Act, the details of such a measure not being discussed.⁷⁹ If it were brought down, the hon. member would have an opportunity of discussing it.⁸⁰ In regard to the Bill now before the House, he had not read it, but he agreed in the propriety of allowing the Company to increase their charter, with the view of enabling them to make a double track from Hamilton to London, which was now absolutely necessary, as the Company had more business than they could overtake.⁸¹

MR. FOLEY was glad to hear the admission of the hon. Premier, that the Great Western Company had more business than it could overtake, and he hoped that that fact would induce the Government to take into consideration the necessities of another section of the country, having between two and three hundred thousand inhabitants, which stood as much in need of railroad communication as that traversed by the Great Western. An application was before the House for a charter to the Niagara and Detroit Railroad, which was supported by the municipalities of some ten or twelve counties through which it would pass, and he hoped that it would receive the support also of the Government and of this House.⁸² He hoped that now no other opposition would be made by the Great Western Railway Company to the incorporation of so-called rival lines, such as the Niagara and Detroit railway, which had hitherto been opposed by the Great Western.⁸³

MR. CHISHOLM said that some very extraordinary powers were asked for in this Bill, among others, that the Directors should be allowed to vote by proxy. The gallant knight said he had not read it, but he hoped he would do so before it came back to the House.⁸⁴

MR. LARWILL said that this Bill, in going before the Railroad Committee, went before a partial tribunal. But he hoped the House would see that Society and individuals were protected in their rights.⁸⁵

MR. CHRISTIE called the attention of the Premier to the circumstance that neither in this Bill nor in any part of the original charter of the Great Western, were the rates of toll for passengers made subject to supervision by the Executive as in the case of other roads.⁸⁶

MR. PRES. EX. COUN. MACNAB.--That matter will come under the notice of the railroad committee.⁸⁷

The motion was then carried.⁸⁸

(867)

The Order of the day for the second reading of the Bill to enable the Great

(868)

Western Railway Company to construct a Branch Railway to the Town of Brantford, and to increase its Capital Stock, and for other purposes, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

MR. BOWES, in absence of Mr. Morrison, (Niagara,) moved the second reading of the Bill to amend an Act for the incorporation of the Provincial Insurance Company of Toronto.⁸⁹

MR. MACKENZIE suggested that there should be a Special Committee to take up the whole question of Insurance, and not allow individuals to bring in an immensity of particular Bills.⁹⁰

MR. BROWN concurred in the view taken by the hon. member for Haldimand. He trusted the Government would introduce a general measure to apply to Fire, Sea, and Life Assurances. (Hear, hear.) When Bills of this character were presented, the House was too much disposed to pass them lightly, but bye and bye they might find very awkward results flowing from it. Very large sums of money were at stake, the Companies had large power entrusted them with limited responsibility, and it might so happen that the calculations on which they proceeded not being of the soundest character,--numerous individuals who had confided in them might suffer very seriously. (Hear, hear.)⁹¹

(868)

The Order of the day for the second reading of the Bill to amend the Act for the incorporation of the Provincial Insurance Company of Toronto, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, proceeded to take into consideration the Amendments made to the Bill from the Legislative Council, intituled, "An Act to incorporate the Lyn Manufacturing Company."

Mr. Crawford moved, seconded by Mr. Delong, and the Question being proposed, That the Amendments be now read a second time;

MR. HOLTON moved in amendment that they be read a second time this day six months. He was opposed to the bill because it gave the company powers to compete with private individuals in certain branches of business, while they had only a limited liability.⁹² ((He)) observed that this was a bill to give the power of manufacturing all sorts of articles, from a horse nail to a sheet anchor, and he called the attention of the government to the bill.⁹³

MR. AT. GEN. J.A. MACDONALD and MR. SOL. GEN. H. SMITH defended the bill.⁹⁴

MR. BROWN read from the bill, showing that it authorized the Company to manufacture leather, to make boots and shoes, to saw lumber, to grind wheat, to manufacture paper, and cotton, steel and iron goods, &c. The Company were also enabled to traffic in real estate. A more injurious monopoly he could not conceive of. What could be worse for the interests of the country than speculating companies taking hold in this way of rising places possessed of peculiar natural advantages, and turning their whole trade into channels advantageous for themselves? (Hear, hear.)⁹⁵ ((He)) also thought it was monstrous when there was a general manufacturing law that applications should be made for a bill like this⁹⁶.

MR. MACKENZIE also commented on the inconsistency of the Attorney General West, and strongly opposed the bill.⁹⁷

MR. AT. GEN. J.A. MACDONALD said there was this distinction between the two companies, that the one was to manufacture and the other to import.⁹⁸ ((He)) could see no objection to the bill⁹⁹.

(868)

Mr. Holton moved in amendment to the Question, seconded by Mr. Brown, That the word "now" be left out, and the words, "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bourassa, Brown, Charles Daoust, Darghe, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferres, Frazer, Gould, Hartman, Holton, Huot, Langton, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Munro, Prévost, Scatcherd, Shaw, Sidney Smith.--(24.)

NAYS.

Messieurs Aikins, Bell, Biggar, Blanchet, Bowes, Brodeur, Cameron, Cartier, Casault, Chabot, Chisholm, Church, Clarke, Cook, Crawford, Daly, Jean B. Daoust, Dufresne, Fergusson, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jackson, Laporte, Loranger, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Merritt, Mongenais, Angus Morrison, Niles, Patrick, Poulin, Pouliot, Rankin, Solicitor General Ross, Solicitor General Smith, James Smith, Spence, Terrill, and Wright.--(48.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Amendments be now read a second time.

And the said Amendments, being read a second time, were agreed to.

Ordered, That the Bill, with the Amendments, be read the third time To-morrow.

On motion of MR. LORANGER,¹⁰⁰

(868)

The Order of the day for the second reading of the Bill to remedy the informalities in the registration of certain Acts made in the Registry Office for Division No. 1, of the County of Huntingdon, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

On motion of MR. GAMBLE¹⁰¹,

(869)

The House, according to Order, resolved itself into a Committee on the Bill to renew the Charter of the Humber Harbour Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Jackson reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

On motion of MR. CHABOT,¹⁰²

(869)

The House, according to Order, resolved itself into a Committee on the Bill to incorporate l'Hospice de St. Joseph de la Maternité de Québec; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Chapais reported,

That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time on Monday next.

On motion of MR. GILL¹⁰³,

(869)

The Order of the day for the second reading of the Bill for annexing the Gore of Upton to the County of Yamaska, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

On motion of MR. WHITNEY,¹⁰⁴

(869)

The House, according to Order, resolved itself into a Committee on the Bill to amend the Act 14 & 15 Vic. cap. 105, intituled, "An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein," to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became law;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Masson reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to divide Municipality No. 1, of the County of L'Islet, into two separate Municipalities, and for other purposes, being read;

Ordered, That the said Order be discharged.

The House, according to Order, proceeded to take into further consideration the second of the Amendments made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Sorel, Drummondville, and Richmond Railway Company;" and the same was read a second time, as followeth:--

Page 7, line 6. After "Companies" insert "Provided always that no agreement for any such Union shall have any force or effect unless and until the same shall have been sanctioned by the votes of a majority of the private Shareholders of the said Company present in person or by proxy at a Special General Meeting of the said Company duly called for that express purpose in such manner and with such notice as shall be required by the By-Laws of the said Company."

On motion of Mr. Jean Baptiste Eric Dorion, seconded by Mr. Papin, an Amendment was made thereunto, by leaving out the word "private."

And the said Amendment, so amended, was agreed to.

Ordered, That Mr. Jean Baptiste Eric Dorion do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments, with an Amendment, to which they desire their concurrence.

The Order of the day for the second reading of the Bill to make the Electoral County of Dorchester, a County for Registration purposes, being read;

(870)

Ordered, That the said Order be discharged.

On motion of MR. S. SMITH, (Northumberland,)¹⁰⁵

(870)

The Order of the day for the second reading of the Bill to confirm the Patent for Lot No. 4, Broken Concessions A and B, of the Township of Hamilton, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

On motion of MR. MACKENZIE¹⁰⁶,

(870)

The Order of the day for the second reading of the Bill to enable the Trustees of the Toronto General Burying Ground to close the same, to sell a portion thereof, and to acquire other ground for the purposes of the Trust, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

On motion of MR. DEWITT,¹⁰⁷

(870)

The Order of the day for the second reading of the Bill to confirm certain Marriages solemnized by the late Reverend Alexander McWattie, and to provide for the proof thereof, and of other acts performed by him as a Minister of the Presbyterian Church, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

On motion of MR. CASAULT,¹⁰⁸

(870)

The House, according to Order, resolved itself into a Committee on the Bill to prevent the taking of Trout with Nets in the Lakes of the County of Saguenay; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Thomas Fortier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Monday next.

MR. CAMERON moved that the bill to incorporate the Sisters of St. Joseph in Toronto be now read a second time. He said the motion would be seconded by Mr. Brown.¹⁰⁹

MR. BROWN.--No! I thank you. (Laughter.)¹¹⁰

MR. MACKENZIE said it would have been very surprising indeed if such a motion had been seconded by the great prop of Protestantism in this House. (Hear, hear.) But it was nearly as surprising that it should be moved by the other great prop of Protestantism, the honorable and learned member for Toronto. (Hear, hear.) Did not many of them remember how the St. Lawrence Hall resounded with the speech of the honorable member against Popery, when he wanted the votes of Orangemen? Now his Protestantism was turned into giving the people of Toronto a convent. Whole columns of the Globe were then filled with

Mr. Cameron's eloquence at the Orangemen's meeting. Had such an idea as this of the establishment of a convent been then presented to the honorable gentleman, he would have been horrified, he would have said, Get thee behind me, Satan! But it was said that Judge Macaulay could not sit long on the bench, and there would be a translation. (Order!) Perhaps with a view to that the hon. gentleman wanted the wind of Catholic influence in the Ministry. (Order!) Certainly it was a strange thing to see the Convent of St. Joseph blown out of the bellows of red-hot Orangeism. Sister Mary, Martha, and a number of others were hereby created a body politic under the name of Sisters of St. Joseph. St. Joseph, if he was not mistaken, was dead 3000 years ago, and how these ladies could be his sisters he could not understand. He would not be astonished at the other member for Toronto, (Mr. Bowes) voting for the bill, as that gentleman never made any extraordinary professions; but as for Mr. Cameron, if he had the Globe here containing the honorable gentleman's speech in the St. Lawrence Hall, he could read extracts that would make every one's hair stand on end that did not wear a wig. (Laughter.) How the honorable gentleman declaimed then against convents and nunneries and everything of that sort.¹¹¹

MR. CAMERON.--I never did anything of the kind.¹¹²

MR. MACKENZIE said he could not affirm it of his own personal knowledge, for he was not present, and never in fact did go to those meetings, but he had read the honorable gentleman's speech, he had no doubt most faithfully reported. The next time the honorable gentleman appeared in St. Lawrence Hall, if he commenced his speech with a history of the Act to incorporate the Sisters of St. Joseph, the Orangemen would be apt to think him rather a droll sort of Protestant. But, as he said before, there were some vacancies expected. Besides that on the bench, the Sisters of St. Joseph were empowered to appoint an attorney--(laughter)--and if the honorable gentleman did not succeed the old worthy Judge whom he had named, he would be sure of the appointment of Attorney to the Convent of St. Joseph. (Laughter.) He called on the gallant Knight at the head of the government to rise and say whether they were to have the whole of Upper Canada studded with convents (Hear, hear.) For his own part he would give it no encouragement. The people of Haldimand did not like these things, and he had only gained his election with the skin of his teeth, after the member for Lambton pounced down upon him for his vote in favor of the General Ecclesiastical Corporations Bill. He hoped the member for Lambton would bring down the great Globe on the head of the learned gentleman who so much misrepresented the Orangemen of Toronto as to introduce a bill like this.¹¹³

MR. BROWN said the hon. member for Haldimand had expressed his astonishment at such a measure being brought in by the honorable and learned member for Toronto. He (Mr. Brown) was only surprised that a gentleman with so much experience in politics as the member for Haldimand, could now-a-days be astonished at anything. (Hear, hear.) But, he must confess, if anything could astonish him, it would be that his hon. and learned friend, the member for Toronto,¹¹⁴ a staunch ultra Protestant¹¹⁵, should have brought in the first bill ever introduced to incorporate a nunnery in Upper Canada. (Hear, hear.) The feelings of the people of Upper Canada were utterly opposed to such institutions. It was bad enough that their representatives should be called upon to vote for such things in Lower Canada, contrary to their convictions; but that they should be called upon to introduce them into Upper Canada was more than he expected from the present Parliament, and certainly much more than he expected to proceed from

the hon. and learned member for Toronto. (Hear, hear.) It was useless now to detain the House with a long speech on this question. The evil resulting from those institutions, in many countries, was so apparent, that all in any way acquainted with the subject must be fully aware of it. The clause authorizing the holding of real estate was not in this bill, but to the general principle of encouraging such institutions, he was altogether opposed, and he should move in amendment that the bill be read a second time this day six months.¹¹⁶

MR. LORANGER.--Will the hon. gentleman give us the reasons why he is opposed to such institutions?¹¹⁷

MR. BROWN.--If the House wants an hour's speech on the subject, I am ready to give it. (Hear, hear.)¹¹⁸

MR. AT. GEN. J.A. MACDONALD said that perhaps hon. gentlemen opposite would like a Committee appointed to inquire into the working of nunneries, and some of them might thereby acquire a notoriety like that of the celebrated Mr. Hiss of Massachusetts. (Laughter.)¹¹⁹

MR. BROWN said the Attorney-General might only see in this subject, matter for jest. But it was scarcely a matter for statesmen to joke about, if they looked to the history of other countries, and marked how such institutions had affected the moral energies of the people, where-ever they had become general.¹²⁰

MR. LORANGER.--That is not the case.¹²¹

MR. BROWN.--Was it no evil that, by taking children away from the family fireside, and bringing them up in the cloister--by teaching the masses to look to nunneries, and monasteries, and hotel dieus, for aid in every difficulty--they loosened those social bonds, so necessary and so valuable in civilized life? When they looked at the fruits of those institutions, which are the props of Romanism, in other countries, he asked whether they should not be cautious in introducing them into Upper Canada? Here (in Lower Canada,) the people were accustomed to such things; but they were not accustomed to them in Upper Canada. He did not think that, as a Legislature, they should be called upon to sanction such institutions at all. (Hear, hear.) All were in favor of institutions for relieving the sick and the destitute; but they should not, on that account, support a system which split up the population into sects and classes. (Hear, hear.)¹²²

MR. CAMERON was not quite certain what religion the hon. member for Haldimand was of. He believed however he belonged to the class denominated non-professing Christians. He had referred to his (Mr. C's.) addressing orangemen in Toronto. It was true that, though not an Orangeman himself he had attended their public meetings, and addressed them, expressing the strong Protestant feelings he entertained now as well as then. The hon. member for Haldimand would not get a respectable body like the Orangemen or any respectable number of Catholics to ask him to come and address them.¹²³

MR. MACKENZIE.--No! I never attend these ultra meetings.¹²⁴

MR. CAMERON.--No! nor would the Orangemen of Toronto follow him in his religious views. He supposed he was to have a double odium cast on him now by the hon. members for Haldimand and Lambton.¹²⁵ ((They)) might cast upon him the imputation that he was the agent, not only of the Protestant Bishop, but of the Catholic Bishop of Toronto. He would not consider himself very much injured by such an imputation. He was in the habit of looking upon the clergy of different Churches as men who were good men--whose calling had, to a large extent sanctified all their practices, and when he found men occupying such positions in the church willing to give him their countenance, he did not consider himself any the worse man on that account. He rather considered it an honour that, while he was ever ready fearlessly to express the principles he possessed, he should be asked to undertake such a task as this by the Roman Catholic Bishop of Toronto. He might be attacked by the gall of the member for Haldimand, or more gently rubbed down by the member for Lambton, but he would not be deferred on that account from giving in a liberal spirit to other bodies of Christians what he asked for himself,¹²⁶ and those of his own creed. He would give them the right to educate their children in such a manner as they see fit--and this bill was simply to incorporate certain ladies for educational purposes.¹²⁷ He did not believe that his Protestant friends would be dissatisfied with him for the course he was now taking, as they knew that their Roman Catholic friends would be equally ready to assist them in other matters, where their own equal rights were affected.¹²⁸ He had a good opportunity of testing the liberality of members the other day, when he asked a vote to enable his own church to be set free, and he then found the Roman Catholic members opposite forgetting religious differences and acting in a truly rational and liberal spirit, while professing liberal Protestants near him showed quite a different feeling.¹²⁹ All those professing liberals of the Protestant religion refused, and those illiberal men of the Catholic religion readily granted him. He had not forgotten that¹³⁰--

MR. BROWN.--Hear! hear!¹³¹

((MR. CAMERON continued:)) The hon. member for Lambton might call hear, hear, but he would tell that hon. gentleman that he looked more to the liberalism of acts than to the liberalism of words. When he found that justice dealt to him by Roman Catholics, which was refused by others, he was not afraid to meet even the Orangemen of Toronto, and tell them that he had accorded to Roman Catholics their equal rights which they had been ready to accord to him and his own church.¹³² If they disaparoved (sic) of what he considered a mere act of justice, they must withdraw their support from him, just as his Roman Catholic constituents were welcome to do, if they sent him there as a promoter of their religious doings¹³³ ((OR)) dogmas¹³⁴ to which he was heartily opposed, and not because they conceived him to have the requisite capacity to promote their interests in Parliament and honestly to discharge the duty faithfully. Instead of its being a matter of surprise or astonishment that he should introduce such a bill it seemed to him that he was just the man to do it, in order to show their Roman Catholic fellow-countrymen, that men who, like him, professed and entertained strong Protestant opinions did not wish to enforce their views on them by legislative means.¹³⁵

MR. LORANGER said that the greatest enemy of this country and of all countries in the world was fanaticism, and the worst of all was religious fanaticism. This House ought on all occasions to present an example of freedom from fanaticism, and it had often done so. Very lately, when the learned member for

Toronto, on whose character the present bill reflected the greatest credit, presented a resolution about the United Church of England and Ireland, Catholics in this House of all classes voted for his resolution. They voted for it with the greatest pleasure, desiring by their votes to consecrate the principle of liberty of conscience in Canada. On the other hand how often had they heard the hon. member for Lambton running down Catholic institutions. And what did that hon. gentleman say in opposition to this bill? He said it was a bill to encourage nunneries, and that they all knew what evil results those nunneries had produced in the world, and that he did not want to see them introduced into Upper Canada. He emphatically denied the hon. gentleman's statement that nuns had in any country in the world produced evil. In this country they had not produced evil. In Lower Canada they had been the angels sent by God to protect orphans and to take care of the sick, and to spread education among all classes of society. The hon. gentleman need not be afraid at nuns being introduced into Upper Canada. They would be no more the enemies of Upper Canada than they had been of Lower Canada. All the nuns wanted in this bill were civil rights, the rights which other citizens enjoyed.¹³⁶ It seemed to him strange that members opposite would vote for charters to Railway and Manufacturing companies, but refuse to give their votes to Corporations for charitable purposes like this.¹³⁷

MR. TURCOTTE could not allow an occasion like that when his religious feelings were insulted to pass in silence. Did the British soldiers in the Crimea ask whether the nuns who brought them relief were of the order of St. Joseph or St. Peter? No, but admiring the manner in which these catholic ladies performed their work of charity, generals and soldiers alike cried out for similar attendants from their own country--and a lady of high position undertook the task of organizing a staff of nurses. Let the member for Lambton go to their houses and see the intelligent and virtuous wives who had been trained in these nunneries, nay let him ask of the numerous young protestant ladies trained there also, and see whether nunneries were a curse to Lower Canada before he came there to sneer at and insult them.¹³⁸ ((He)) did not believe that the member for Lambton could produce one instance from the whole history of the world in which evil had been caused by nunneries.¹³⁹

MR. DUFRESNE also spoke briefly in favour of the Bill.¹⁴⁰ ((He)) was sorry to find that the member for Lambton was opposed to the opposite sex. The male ordinarily coaxed the opposite sex, or at all events, hoaxed them, instead of contending against them, as the hon. member for Lambton seemed to do on principle.¹⁴¹

MR. LANGTON said the House had incorporated to-day parties for a great variety of purposes.¹⁴² ((He)) thought the demand for acts of incorporation greater than was good for the country. For instance, many of the branches of industry, for carrying on which corporations had been sought, would have been better left to private enterprize. He could not see, however, how any one who voted to incorporate the Bible Society or Religious Tract Society,¹⁴³ as the honorable member for Lambton had done¹⁴⁴, could refuse to vote for this bill. He was as much opposed to these institutions as any one, as a matter of religious opinion, but did not think it right to ask others or compel them to act on his opinions.¹⁴⁵ On the same principle as he had voted for the incorporation of the Bible Society of Toronto, he would vote also for the present Bill.¹⁴⁶

MR. J.S. MACDONALD (Glengary) said he would vote for the Bill, as it did not contain the property clause allowing the Corporation to hold property for purposes of revenue¹⁴⁷ ((OR)) to hold any large quantity of real estate.¹⁴⁸

MR. BROWN reproached him with inconsistency (sic) for voting against less objectionable measures and supporting this.¹⁴⁹

MR. BOWES spoke in favor of the bill.¹⁵⁰ ((He)) could see no reason for denying acts of incorporation to charitable institutions such as this. It was virtually an orphan asylum.¹⁵¹

MR. PAPIN had voted for amendments to all acts of incorporation, to prevent them holding any more lands than were necessary for actual occupation, on principle, but he would vote for bills like the present which contained no such objectionable clause.¹⁵²

MR. LABERGE spoke at some length in favor of the bill¹⁵³.

Mr. Brown's amendment was negatived¹⁵⁴.

(870)

The Order of the day for the second reading of the Bill to incorporate the Sisters of St. Joseph of Toronto, being read;

The Honorable Mr. Cameron moved, seconded by Mr. Gamble, and the Question being proposed, That the Bill be now read a second time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Gould, That the word "now" be left out, and the words "this day three months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Brown, Chisholm, Christie, Gould, Hartman, Jackson, Mackenzie, Munro, Niles, Patrick, Powell, and Yeilding.--(13.)

(870-871)

NAYS.

Messieurs Alleyn, Bellingham, Blanchet, Bourassa, Bowes, Brodeur, Cameron, Cartier, Casault, Cauchon, Cayley, Chapais, Chauveau, Clarke, Crysler, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Dufresne, Fergusson, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Holton, Labelle, Laberge, Langton, Laporte, Lemieux, Loranger, Macbeth, John S. Macdonald, Attorney General Macdonald, McCann, Marchildon, Masson, Merritt, Mongenais, Papin, Poulin, Pouliot, Prévost, Rankin, Robinson, Solicitor General Ross, Sanborn, Solicitor General Smith, Spence, and Turcotte.--(59.)

So it passed in the Negative.

(871)

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Canada Powder Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Niles reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Niles reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to authorize the construction of a Dam or Breakwater over the Grand River at or near the Village of Preston, County of Waterloo; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Chisholm reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill from the Legislative Council, intituled, "An Act to extend the powers of the Consumers Gas Company of Toronto;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Rankin reported, That the Committee had gone through the Bill, and made Amendments thereunto.

Ordered, That the Report be now received.

Mr. Rankin reported the Bill accordingly; and the Amendments were read, as followeth:--

Page 1, line ult. After "Estate" leave out to "per annum" in Page 2, line 2 inclusive, and insert "for the purposes of their incorporation."

Page 2, line 6. Leave out "of their incorporation" and insert "aforesaid."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Bill, with the Amendments, be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Imperial Fire and Marine Insurance Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bell reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Thursday next.

On motion of MR. CASAULT,¹⁵⁵

(871)

The Order of the day for the second reading of the Bill to authorize William Fraser and Edouard Fraser to alienate, by lots, a portion of the Domain of the Seigniory of Rivière du Loup, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

(872)

The Order of the day for the second reading of the Bill to incorporate the Canada Ore Dressing Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Provident and Life Assurance and Investment Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bowes reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Monday next

The Order of the day for the second reading of the Bill to remove doubts as to the power of the Ontario, Simcoe, and Lake Huron Union Railroad Company constructing a Branch line into the Town of Barrie, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Niagara District Bank; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Thursday next.

The Order of the day for the House again in Committee on the Bill to incorporate the Saint Francis Bank, being read;

Ordered, That the said Order of the day be postponed until Thursday next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to incorporate the Molsons Bank, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee on the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Casault reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Thursday next.

The Order of the day for the second reading of the Bill to incorporate the Amherstburg and St. Thomas Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

MR. BOWES moved the second reading of the Bill to confirm the city of Toronto in possession of the Peninsula and Marsh. He explained that these were at present held by the city under a license of occupation from the Government. But the corporation, being anxious to make certain improvements on the Peninsula, and also on the Marsh, with a view to promote the health of the city, wished to have a better title to the property before commencing these improvements.¹⁵⁶

(872)

The Order of the day for the second reading of the Bill to confirm the City of Toronto in the possession of the Peninsula and Marsh now held by it under license, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to legalize certain

(873)

grants from the Municipalities of this Province towards the Patriotic Fund, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

*Then, on motion of Mr. Thibaudeau, seconded by Mr. Turcotte,
The House adjourned.¹⁵⁷*

FOOTNOTES: 19 APRIL 1855.

1. GLOBE, 27 April 1855.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. MORNING CHRONICLE, 23 April 1855.
7. GLOBE, 27 April 1855.
8. MORNING CHRONICLE, 23 April 1855.
9. GLOBE, 27 April 1855.
10. MORNING CHRONICLE, 23 April 1855.
11. IBID.
12. IBID.
13. GLOBE, 27 April 1855.
14. IBID.
15. MORNING CHRONICLE, 23 April 1855.
16. TORONTO DAILY LEADER, 25 April 1855.
17. HAMILTON SPECTATOR, 28 April 1855.
18. TORONTO DAILY LEADER, 25 April 1855.
19. HAMILTON SPECTATOR, 28 April 1855.
20. GLOBE, 27 April 1855. This last sentence was inserted here even though GLOBE, 27 April 1855, reports it, among other statements, as having been pointed out by "Mr. Brown, Mr. Smith (Victoria,) and other members".
21. TORONTO DAILY LEADER, 25 April 1855.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. GLOBE, 27 April 1855.
28. IBID.
29. MORNING CHRONICLE, 23 April 1855.
30. GLOBE, 27 April 1855.
31. MORNING CHRONICLE, 23 April 1855.
32. GLOBE, 27 April 1855.
33. IBID.
34. IBID.
35. MORNING CHRONICLE, 23 April 1855.
36. GLOBE, 27 April 1855.
37. IBID.
38. IBID.
39. MORNING CHRONICLE, 23 April 1855.
40. GLOBE, 27 April 1855.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.

49. IBID.
50. IBID.
51. IBID.
52. MORNING CHRONICLE, 23 April 1855.
53. GLOBE, 27 April 1855.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. TORONTO DAILY LEADER, 25 April 1855.
61. IBID.
62. HAMILTON SPECTATOR, 28 April 1855.
63. TORONTO DAILY LEADER, 25 April 1855.
64. In contrast to the JOURNALS, TORONTO DAILY LEADER, 25 April 1855, reports that this Order was withdrawn. Withdrawn motions only appear in the JOURNALS on very rare occasions.
65. GLOBE, 27 April 1855.
66. IBID.
67. IBID.
68. TORONTO DAILY LEADER, 25 April 1855.
69. GLOBE, 27 April 1855.
70. IBID.
71. GLOBE, 27 April 1855. MORNING CHRONICLE, 23 April 1855, and MONTREAL GAZETTE, 23 April 1855, both being the same copy, report that Mr. Morrison moved the second reading of the bill to amend the charter of the Great Western Railway Company.
72. MORNING CHRONICLE, 23 April 1855.
73. GLOBE, 27 April 1855.
74. MORNING CHRONICLE, 23 April 1855.
75. MONTREAL GAZETTE, 23 April 1855. MORNING CHRONICLE, 23 April 1855, and MONTREAL GAZETTE, 23 April 1855, report the same speech, but attribute it to different speakers.
76. MORNING CHRONICLE, 23 April 1855.
77. GLOBE, 27 April 1855.
78. MORNING CHRONICLE, 23 April 1855.
79. GLOBE, 27 April 1855.
80. MORNING CHRONICLE, 23 April 1855.
81. GLOBE, 27 April 1855.
82. IBID.
83. MORNING CHRONICLE, 23 April 1855.
84. GLOBE, 27 April 1855.
85. IBID.
86. IBID.
87. IBID.
88. MORNING CHRONICLE, 23 April 1855.
89. GLOBE, 27 April 1855.
90. IBID.
91. IBID.
92. GLOBE, 27 April 1855. TORONTO DAILY LEADER, 25 April 1855, reports that Mr. Holton's amendment took place after this debate.

93. MORNING CHRONICLE, 23 April 1855.
94. GLOBE, 27 April 1855.
95. IBID.
96. MORNING CHRONICLE, 23 April 1855.
97. GLOBE, 27 April 1855.
98. IBID.
99. MORNING CHRONICLE, 23 April 1855.
100. TORONTO DAILY LEADER, 25 April 1855.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. GLOBE, 27 April 1855.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. MORNING CHRONICLE, 23 April 1855.
116. GLOBE, 27 April 1855.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. MORNING CHRONICLE, 23 April 1855.
124. IBID.
125. MONTREAL GAZETTE, 23 April 1855.
126. GLOBE, 27 April 1855.
127. MORNING CHRONICLE, 23 April 1855.
128. GLOBE, 27 April 1855.
129. MORNING CHRONICLE, 23 April 1855.
130. GLOBE, 27 April 1855.
131. IBID.
132. IBID.
133. MORNING CHRONICLE, 23 April 1855.
134. MONTREAL GAZETTE, 23 April 1855.
135. MORNING CHRONICLE, 23 April 1855.
136. GLOBE, 27 April 1855.
137. MORNING CHRONICLE, 23 April 1855.
138. IBID.
139. GLOBE, 27 April 1855.
140. IBID.
141. TORONTO DAILY LEADER, 25 April 1855.
142. GLOBE, 27 April 1855.
143. MORNING CHRONICLE, 23 April 1855.
144. TORONTO DAILY LEADER, 25 April 1855.

By Mr. Papin,--The Petition of Eugène Philippe Dorion, of the City of Quebec, Esquire, Advocate.

By Mr. Sanborn,--The Petition of Thomas B. Heath, of the Township of Hereford, in the County of Sherbrooke; and the Petition of W.R. Doak and others, Trustees of the Compton High School, in the County of Compton.

By the Honorable Mr. Merritt,--The Petition of John Grant and others, of the County of Lincoln; and the Petition of William James and others, of the County of Lincoln.

By Mr. Bowes,--The Petition of Samuel Lewis, of the City of Toronto.

Ordered, That the Petition of Thomas Burns and others, Clerks of Division Courts for the United Counties of Lincoln and Welland, be referred to the Select Committee to which was referred the Bill to extend the Jurisdiction of the Division Courts in Upper Canada.

Ordered, That the 71st Rule of this House be suspended as regards the Bill to incorporate the Molsons Bank.

Mr. Langton, from the Standing Committee on Standing Orders, presented to the House the Thirty-first Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of Samuel Zimmerman, of Niagara Falls, for an Act of incorporation for a Bank established by him at Elgin, under the free Banking Act. No Notice of the application appears to have been given, but as the Bank in question is in actual operation, Your Committee would beg to recommend that the usual Notice be dispensed with as has been done with institutions in a similar position.

On the Petitions of the Quebec Gas Company, and of the Quebec Fire Assurance Company, praying for amendments to their respective Acts of incorporation, Your Committee find that no Notice has been given, but the nature of the amendments applied for does not appear to be such as to require the publication of Notice.

MR. PRES. EX. COUN. MACNAB submitted a Report from the Railroad Committee, ... recommending the introduction of a General Railway Act. He stated that on Monday he would lay before the House a series of resolutions founded on the Committee's Report.¹

MR. BROWN expressed a doubt whether it was deemed prudent by the Government at this late period of the session, to introduce and carry through a measure of such vast importance, which could only be approached with the fullest information, and would require the most mature deliberation?²

MR. PRES. EX. COUN. MACNAB.--It is not a Government measure. I bring it in in my capacity as Chairman of the Railroad Committee.³

MR. BROWN said that that was a somewhat different ground from what was taken by the gallant knight some time ago, when he said it was for the Railroad Committee to make a Report, and the Government would act upon it or not as might be found convenient.⁴

MR. CHRISTIE hoped the Resolutions of the Committee would be acted on. The Country required a General Railroad Act.⁵

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The Honorable Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Tenth Report of the said Committee; which was read, as followeth:--

Your Committee having had under their consideration the several Petitions and Bills referred to them on the subject of Railways, and having discussed the expediency of adopting a general Railway policy, have agreed to the following Resolutions, which they beg leave to submit for the consideration of Your Honorable House:--

1. Resolved, That the present mode of granting Special Charters to Railway Companies is objectionable, both as preventing free competition, and as affording room for the exercise or the imputation of partiality; and it is therefore right that all persons should be enabled to obtain the requisite powers to make any Railway, on complying with certain fixed conditions.

2. Resolved, That any number of persons, not less than twenty-five, should have power to become incorporated, as a Company, to make any Railway, on

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subscribing, bona fide, not less than 6,000L for every mile of such Railway, and paying into some Chartered Bank at least 10 per cent, on the sum so subscribed, (such sum not to be withdrawn, except for the purposes of such Railway, unless in case of the dissolution of the Company,) and complying with certain prescribed formalities.

3. Resolved, That such persons be incorporated by a Proclamation to be issued by the Governor, after a certificate that the requirements of the Act have been complied with.

4. Resolved, That no Railway should be made by any such Company, unless it be for at least two-thirds of its length, at least ten miles distant from any other Railway then in actual operation, or bona fide in the course of construction, or unless it is separated from such other Railway by a navigable River.

5. Resolved, That the number of Directors of any such Company should not be less than five, nor more than nine, exclusive of ex-officio Directors representing Stock held by Municipalities.

6. Resolved, That any Company so formed should be subject to the provisions of the Railway Clauses Consolidation Act, with such amendments and special provisions as it may be found expedient to make.

Ordered, That the said Report be printed for the use of the Members of this House.

The Honorable Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Eleventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the L'Assomption River and Railroad Company, and have agreed to report the same without any amendment.

On motion of Mr. Langton, seconded by Mr. James Smith,

Resolved, That when this House doth adjourn this day, it will adjourn until To-morrow at Two o'clock, P.M., and that it shall adjourn at Six o'clock, P.M., unless the Notices of Motions are sooner gone through.

MR. CAMERON introduced a Bill to incorporate the Zimmerman Bank; second reading on Thursday next.⁶

MR. LARWILL moved for leave to introduce a Bill to incorporate the Tinker's Bank of the County of Kent. (Laughter)⁷

MR. SICOTTE the SPEAKER decided that the motion could not be received; firstly, because no notice had been given, and, secondly, because it had not been seconded.⁸

(875)

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to incorporate the Zimmerman Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That the 71st Rule of this House be suspended as regards the Bill to authorize William Fraser and Edouard Fraser to alienate, by lots, a portion of the Domain of the Seignior of Rivière du Loup.

The Honorable Mr. Cameron, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-ninth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Upper Canada Bible Society, and also, the Bill to incorporate the Upper Canada Religious Tract and Book Society; and they have agreed to report both Bills without amendment.

They have also examined the Bill to confer a Charter on the Millers' Association of Canada West, with Banking privileges, and they have agreed to recommend that the Bill be amended so as to confine the Company to Banking operations by the name of the Bank of Toronto, which, with other amendments, they submit for the consideration of Your Honorable House.

(876)

Ordered, That the Bill to confer a Charter on the Millers' Association of Canada West, with Banking privileges, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

MR. AT. GEN. J.A. MACDONALD moved for leave to introduce a Bill to repeal two Acts therein mentioned, and to make permanent the extension of the Elective Franchise.⁹ He said the House would remember the statement made in the House before the recess, that it had been found that under the act of 1853, the assessment rolls had been made up by partizan assessors to serve the purposes of their respective parties in approaching elections; and that under its provisions the old 40s. freeholders had been deprived of the Franchise.¹⁰ He explained that the Act carried through the House by the late Government was to have come into operation on the 1st January, 1855, but in consequence of certain difficulties about the assessment rolls, another Act was passed in the early part of this session, postponing the time for the new system coming into operation till the 1st January 1856, and providing that as the registrations were found to be very defective, instead of having a registration of votes by the assessment lists, the franchise would be proved by oath in the same way as under the old system. The present Bill was introduced with the view of making the last mentioned Act permanent, until some better system of registration could be devised.¹¹ The opinion had been very generally expressed on the occasion of the

second reading of the temporary amendment bill that for the reasons assigned the registration of voters by the municipal assessment rolls was a most imperfect one, open to frauds such as that referred to, of which many instances had been related much to the amusement of the House. It was objectionable not only as giving rise to elections frauds, but as turning the Municipal Council into political bodies, and making assessors political officers, a thing hitherto happily avoided. It had been suggested at the time that Government should prepare some more perfect plan of registry to submit to the consideration of the House, but after giving the matter careful attention, they had not been able to hit on any other than the very complicated and expensive machinery, with revising barristers &c., now in use in England. They did not think the country prepared just now for that machinery, and he brought in the present bill in the meantime, consolidating the former franchise act with the temporary act of the previous part of the session, giving the franchise to the parties named in both, and making them prove their right to vote in the old manner by oaths instead of the county assessment rolls. He proposed that this act should be made permanent, to continue in force, until, if possible a better system of registration could be devised.¹²

MR. J.S. MACDONALD corroborated the assertion of the Attorney General about the frauds and strife concerning the making up of the assessment rolls. The temporary act raised some doubt about who were voters--it spoke of parties holding property of a certain annual value not stating whether by lease or otherwise.¹³

MR. AT. GEN. J.A. MACDONALD.--It is copied verbatim et literatim from the previous franchise act.¹⁴

MR. J.S. MACDONALD.--The former franchise act had given very general satisfaction, but the machinery was evidently imperfect. His own idea of the best way of amending the franchise and preventing fraud was to give every one a vote who was rated as a householder in the assessment rolls.¹⁵

MR. GAMBLE was not in the house when the discussion on the temporary bill took place, and did not know all the evils alleged against the present system. He must say that at the first blush, he was sorry that the Government proposed to do away with the simple registration provided by the assessment roll. He still thought it the best mode, and must deny that he believed that the frauds referred to were anything like general. The assessors did their duty under oath and were as a rule most respectable men.¹⁶

MR. BELLINGHAM.--Thought the Government did well in proposing this change. In one instance he knew of an assessment roll for a town in a county with which he was acquainted was rejected because of some slight verbal defect in the certificate. By such an act on the eve of an election a partizan council might disfranchise any part of a county they saw fit.¹⁷

DR. CHURCH said, in his own Riding the assessors carried their partizan practices so far, that they carried round a written pledge for their favorite candidate to get signed by the people as they assessed them.¹⁸

MR. HARTMAN had never heard these sort of complaints against the assessors, until he had heard them in that House¹⁹ ((and)) was sorry that the Government

should have departed from the system of registration, without any complaints on the subject from the country.²⁰ The government were abandoning the machinery just as it was being set in operation. He should be very sorry to see it abolished without provision for some other mode of registration in its stead. He did not see why the anticipated evils should arise under the present system. The lists were made up generally long before an election, and when no political excitement existed to lead the assessors to commit any injustice.²¹

MR. CAMERON was glad to hear liberals like the members for Glengarry and North York speaking so warmly in defence of a system of registration. It showed they had adopted some conservative notions. He too regretted the Government seemed inclined to abandon the present system, because of its imperfections rather than make an effort to reform and perfect it. He thought it furnished a good basis to begin upon, and he believed the House and country would rather sustain the government in introducing even the expensive machinery used in England rather than go back to the old system of oaths. Under that system, it might be impossible to take all the votes in the large towns in two days. He hoped the government would reconsider the matter.²²

MR. J. SMITH (Victoria) believed that the principle of Registration was approved of by the country. There might in some few instances have been dissatisfaction with the mode in which it had been carried out by assessors, but he did not think it right to give it up on that account.²³ ((He)) thought the government would do better to go on and perfect the system of registration than to abandon it.²⁴

MR. GOULD said that this was the first time he had heard any complaints about the registration of ... excitement at Municipal Elections, but he had never heard a complaint about the assessment rolls in connection with these, and he did not see why the same system should not be carried out in Parliamentary Elections.²⁵

MR. S. SMITH (of Northumberland) said the reason why there were no frauds in Municipal elections was, that every man whose name appeared on the rolls assessed for House or lands was entitled to vote; the assessors could not by rating him higher or lower give him a vote or take it away. He thought the government would do well to extend the franchise to all these municipal electors, and thus secure a simple and unexpensive system of registration. He had given his support to the government as a liberal one, and should continue to do so as long as they brought forward liberal measures. He hoped they would not take a step backwards in the matter, a man who was fit to vote for a municipal Councillor and through him for a warden was competent to vote also for a member of Parliament. If the government would add the ballot to this extension of franchise, he thought they would give the country a nearly perfect system. The latter he supposed he could not hope for now, but he did hope that, that basis for the franchise would shortly be adopted, and an inexpensive and safe system of registration secured.²⁶

MR. LARWILL expressed himself in favour of substituting a mental instead of property qualification for voters.²⁷

After some further discussion the Bill was read a first time²⁸.

(876)

Ordered, That the Honorable Mr. Attorney General Macdonald have leave to bring in a Bill to repeal two certain Acts therein mentioned, and to extend the Elective Franchise of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That the Bill to incorporate the Upper Canada Bible Society, be read the third time on Monday next.

Ordered, That the Bill to incorporate the Upper Canada Religious Tract and Book Society, be read the third time on Monday next.

A Bill to declare the Act confirming a Survey of the Township of Ameliasburgh to extend to the Township of Hillier, which at the time of the Survey formed part of Ameliasburgh, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to declare the Act confirming a Survey of the Township of Ameliasburgh to extend to the Township of Hillier, which at the time of the said Survey formed part of Ameliasburgh."

Ordered, That Mr. Solicitor General Smith do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to authorize the Courts of Queen's Bench, Common Pleas, and Chancery in Upper Canada, to admit John Jermy Macaulay to practise as an Attorney and Solicitor therein, respectively, was, according to Order, read the third time.

Mr. Joseph Curran Morrison moved, seconded by Mr. Patrick, and the Question being put, That the Bill do pass, and the Title be, "An Act to authorize the Courts of Queen's Bench, Common Pleas, and Chancery in Upper Canada, to admit John Jermy Macaulay to practise as an Attorney and Solicitor therein, respectively;" the House divided: and the names being called for, they were taken down, as follow:--

(876-877)

YEAS.

Messieurs Aikins, Alleyn, Belli gham, Blanchet, Bowes, Brodeur, Brown, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chauveau, Chisholm, Christie, Church, Clarke, Cook, Crawford, Daly, Jean B. Daoust, Desaulniers, Dionne, Attorney General Drummond, Dufresne, Felton, Fergusson, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Gamble, Gould, Guévremont, Hartman, Labelle, Langron, Lemieux, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Marchildon, Matheson, Mattice, Meagher, Joseph C. Morrison, Anaus Morrison, Munro, Niles, Patrick, Poulin, Pouliot, Rhodes, Robinson, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, Spence, Stevenson, Terrill, Thibaudeau, Whitney, Wright, Yeilding, and Young.--(72.)

(877)

NAYS.

Messieurs Bourassa, Charles Daoust, Darche, DeWitt, Antoine A. Dorion, Ferrie, Frazer, Holton, Jobin, Lumsden, John S. Macdonald, Roderick McDonald, Papin, Prévost, Rolph, and Scatcherd.--(16.)

So it was resolved in the Affirmative.

Ordered, That Mr. Joseph Curran Morrison do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to incorporate the Grand and Subordinate Divisions of the Sons of Temperance in Lower Canada, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Hartman do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to incorporate the Congregation of the Catholics of Quebec speaking the English Language, being read;

Mr. Alleyn moved, seconded by Mr. Pouliot, and the Question being proposed, That the bill be now read the third time;

Mr. Brown moved in amendment to the Question, seconded by the Honorable John Sandfield Macdonald, That all the words after "be" to end of the Question be left out, and the words "re-committed to a Committee of the whole House, with instruction to leave out that portion which enables the said Corporation to hold real estate to the extent of One thousand pounds per annum, for purposes of endowment" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Biggar, Brown, Christie, Cook, Charles Daoust, Darche, DeLong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Foley, Freeman, Gould, Hartman, Holton, Jackson, Lumsden, John S. Macdonald, Mackenzie, Matheson, Mattice, Merritt, Munro, Niles, Papin, Patrick, Rolph, Sanborn, Scatcherd, Sidney Smith, Wright, and Young.--(35.)

(877-878)

NAYS.

Messieurs Alleyn, Blanchet, Bourassa, Bowes, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Church, Clarke, Crawford, Jean B. Daoust, Desaulniers, Dionne, Dufresne, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Jobin, Labelle, Laberge, Lemieux, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Mongenais, Joseph C. Morrison, Angus Morrison, Poulin, Pouliot, Prévost, Rankin, Rhodes, Robinson, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Thibaudeau, and Whitney.--(53.)

So it was passed in the Negative.

(878)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Biggar, Blanchet, Bourassa, Bowes, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Church, Clarke, Cook, Crawford, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble,

Gill, Guévremont, Holton, Jackson, Jobin, Labelle, Langton, Larwill, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Marchildon, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, Papin, Poulin, Pouliot, Powell, Prévost, Rankin, Rhodes, Robinson, Solicitor General Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, Whitney, and Young.--(73.)

NAYS.

Messieurs Bell, Brown, Christie, DeLong, Fergusson, Ferrie, Freeman, Gould, Hartman, Lumsden, John S. Macdonald, Mackenzie, Matheson, Mattice, Munro, Patrick, Rolph, Scatcherd, and Wright.--(19.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Alleyn do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill from the Legislative Council, intituled, "An Act to incorporate the Lyn Manufacturing Company," being read;

Mr. Crawford moved, seconded by Mr. Church, and the Question being put, That the Bill be now read the third time; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill, with the Amendments, do pass.

Ordered, That Mr. Crawford do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same, with several Amendments, to which they desire their concurrence.

A Bill to renew the Charter of the Humber Harbour Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

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Ordered, That Mr. Gamble do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend the Act 14 & 15 Vic. cap. 105, intituled, "An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein, to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became law," was, according, to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act for the relief of certain Practitioners of Medicine and Surgery in Lower Canada."

Ordered, That Mr. Whitney do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to incorporate the Canada Powder Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chisholm do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to authorize the construction of a Dam or Breakwater over the Grand River, at or near the Village of Preston, County of Waterloo, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize Jacob Hespeler, his heirs or assigns, to erect a Dam or Breakwater on the Grand River, at or near the Village of Preston, in the County of Waterloo."

Ordered, That Mr. Clarke do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill from the Legislative Council, intituled, "An Act to extend the powers of the Consumers Gas Company of Toronto," was, according to Order, read the third time.

Resolved, That the Bill, with the Amendments, do pass.

Ordered, That the Honorable Mr. Cameron do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same with several Amendments, to which they desire their concurrence.

Mr. Sidney Smith, from the Committee of the whole House to consider of the expediency of amending the Section of the Post Office Act which fixes the maximum Salary to any Officer of the Department to Five hundred pounds, and of providing that the Salary of the present Secretary shall be Six hundred pounds per annum, reported several Resolutions; which were read, as follow:--

1. Resolved, That so much of the fourth Section of the Post Office Act as limits the Salary and emoluments of any Officer of the Post Office Department, (except the Post Master General,) to Four hundred pounds per annum, ought to be repealed; and the total Salary and emoluments of any Officer of the said Department, (except the Post Master General,) shall not exceed the sum of Five hundred pounds per annum: Provided always, that so long as William Henry Griffin, Esquire, shall hold his present office of Chief Secretary of the Post Office Department, he shall be paid at the rate of Six hundred pounds per annum.

2. Resolved, That so much of the sixteenth Section of the Act passed in the Session held in the 14th & 15th years of Her Majesty's Reign, intituled, "An Act to amend the Post Office Acts," as limits the number of Inspectors of Post Offices, is repealed.

The Honorable Mr. Spence moved, seconded by the Honorable Mr. Attorney

(880)

General Macdonald, and the Question being proposed, That the Resolutions be now read a second time;

MR. A. DORION (de Montréal) propose en amendement, que les dites résolutions soient renvoyées à un comité général aux fins de spécifier quels sont les officiers dans le département des postes dont le salaire doit être augmenté de 400L à 500L; et aussi, pour fixer le nombre d'inspecteurs à être employés dans ce département. Il dit qu'avant de voter ainsi une augmentation de salaire, la chambre a le droit de savoir combien d'officiers recevront ainsi une augmentation, afin qu'on puisse juger du montant qui sera voté; il faut que le nombre d'inspecteurs soit fixé, afin d'empêcher le maître général des postes de pouvoir créer des places inutiles, pour récompenser des amis aux dépens de la province.²⁹ The resolutions as they now stood, he contended, left too much discretionary power in the hands of the head of the department.³⁰

MR. BROWN supported the amendment. He considered it highly necessary that such things should be clearly defined, and not left to the mere discretion of Heads of Departments.³¹

MR. POST. GEN. SPENCE said he really thought this was a very small affair and almost unworthy the attention of the hon. member for Lambton, who was in the habit of flying at higher game.³² On ne devrait pas renouveler la discussion aujourd'hui, car ce bill a déjà été discuté trois fois, et il lui semble que cela est suffisant.³³ No new powers were sought for the head of the department but this, that he might have power to appoint as the necessity arose, additional Inspectors. Formerly the law only allowed three of these officers for the Province, but his predecessor had found the necessity so urgent that he had appointed a fourth for London without the sanction of law. In order to prevent the necessity for a similar act, it was proposed to give the Post Master General a discretionary power in the matter. With regard to the salaries no new power was conferred. He now had the right to fix the rates of salaries up to 400L, but as it was proposed to raise salaries in the other departments, he thought it but fair, that the maximum salary in the Post Office department should be raised 25 per cent.³⁴ Il ne peut dire combien d'officiers de bureau de poste recevront une augmentation de salaire, excepté M. Griffin, car le gouvernement ne se propose encore d'en augmenter aucun: il veut seulement avoir le droit de le faire quand il le jugera à propos, et quand les officiers le mériteront.³⁵ He thought there were some of the City Post Masters very hard worked, and some of the Inspectors who had very hard work to do and effected a great saving of revenue to the country who might be considered entitled to some increase on their present salaries.³⁶

MR. J.S. MACDONALD of Glengarry.--Who are the officers whose salaries are to be raised? Name them.³⁷ ((OR he)) thought the maximum number of Inspectors should be fixed by law.³⁸

MR. POST. GEN. SPENCE thought that any head of a department not fit to decide such a point was not fit to enjoy the confidence of Parliament and the country, and should be removed from office.³⁹

MR. MACKENZIE.--Well, well, Mr. Speaker, the luminary for Dundas has been receiving a lesson from the honorable and learned member for Renfrew. This is a pretty doctrine. The Postmaster General is to increase salaries without reference to this house. We who are paid for--⁴⁰

MR. J. SMITH of Victoria.--Order, order. I rise to order, Mr. Speaker. It certainly is not parliamentary to call honorable members luminaries.⁴¹

MR. MACKENZIE.--I will not call them luminaries any more.⁴²

MR. SOL. GEN. D. ROSS rose to order. The member for Haldimand had no right to apply to members not entitled to it the adjective "learned." (Uproarious laughter).⁴³

MR. MACKENZIE.--Order, Mr. Speaker! Hon. gentlemen will not allow me to proceed orderly. They will neither let me call members luminaries nor learned. Possibly they are neither. Would the Solicitor General like it better were I to

speak of them as ignorant? Mr. Mackenzie then⁴⁴ ((said)) that it was the duty of the House to retain in its own hands the power of fixing the salaries of all public officers. (Hear, hear.)⁴⁵ He considered it a dangerous power to be left in the hands of a minister. The power to raise the salaries of Post Masters might be used to induce these 1300 men, scattered all over the country, to leave their offices to the care of clerks during the election, and work for the ministry then in power. He would not leave such a power in the hands of a man who had abandoned his principles and his party for office. It was said it was not changing the law in that regard--well the old law has (sic) a bad one, for which the country was indebted to the hon. member for Renfrew, who would hereafter be considered to have been a curse to the country.⁴⁶

MR. SICOTTE the SPEAKER called the hon. member to order.⁴⁷

MR. MACKENZIE.--Well, he supposed he was out of order. In Washington every year a bill was brought in and voted on giving the salaries of each officer in the public departments. Why should they not have the same power here? They should at least know how many people were to get the 600L and 500L salaries. The only one mentioned was Mr. Griffin, the Secretary to the department, whom he knew no more about than the man in the moon, but supposed he was a deserving officer, as he held an important post, and he had heard no complaints against him. He was willing he should get 600L if he deserved it, and he would not deny that he did; but he thought the House should know who the others were.⁴⁸

MR. HINCKS did not know what he had done to the hon. member for Haldimand, to rouse his indignation so against him. Last time he met him, not 24 hours before, he had overwhelmed him with compliments so profuse, that being a modest man, he felt overwhelmed with their weight; now he was abusing and denouncing him as a curse to the country. He did not know why he should select this occasion to attack him; he had not framed the bill now brought before the House by his hon. friend the Postmaster General, nor the previous act to which he alluded. That was the work of the present leader of the opposition in the other House of Parliament. But to show how much the opinion of the hon. member for Haldimand respecting the management of the department was worth, they had only to consider his declaration that he knew no more about Mr. Griffin, the able and energetic secretary of it, who had filled that post with credit to himself and benefit to the country these many years,--that he knew no more about such a prominent and deserving public servant, than the man in the moon! Yet he wished to have an opportunity of discussing the qualifications and the amount of salaries of all the officers of the department down to the letter-carriers and messengers. Was it not much better to leave the responsibility of these things where, under our system of Government, it properly belonged, viz: with the head of the department. If each salary was brought before parliament, they should have a personal canvass of members for their personal influence by a whole host of applicants for increase, instead of sending them to the person responsible to the country for the manner in which they earned their money. The hon. member had referred to the system in the United States, but what was the practice in Britain? Did they ever hear of such a thing there, as having each salary in each department detailed in the estimates? Yet there was the best managed postal department in the world.⁴⁹

MR. MACKENZIE.--Yes, he believed it.⁵⁰ ((OR)) We have not got, nor are we likely to get it.⁵¹

MR. HINCKS.--It is said that the Post-masters would be rewarded for their political leanings. Nothing could be more absurd.⁵² Among the officers of the department throughout the country were men of every shade of politics who had no time for political canvassing and not likely to be influenced in the manner which the member for Haldimand professes to fear. When the maximum was ... previously fixed at 400L, 500L was the amount we generally proposed, the amendment being only carried by the casting vote of the Chairman. He had been blamed by his friends for not insisting more strongly on the former amount, and he confessed now he was wrong in not doing so, but he was nettled at the tone (*sic*) that the then leader of the conservative side of the house sought to underbid him in economy, for political capital, and so had determined to let him have it his own way.⁵³ The range of salaries was limited by the old Bill, and it was intended by the new Bill to raise it.⁵⁴ As for the abuse of the hon. member for Haldimand, he regarded it as a proof of merit, and conferring honor not shame on the recipient. He cared not that he stood in his opinion as a curse to the country; he still believed his country itself did not now, and would not hereafter so regard him.⁵⁵

MR. POST. GEN. SPENCE would not waste the time of the House by replying to the tirade of the member for Haldimand, but it perhaps called for some notice at his hands. He had been about the only one in that house to oppose the free postal delivery of newspapers. One would have thought that a man who had been employed about post offices and newspapers all his life would have been the first to hail this reform with pleasure, but no, he alone professing to be the poor man's friend was found to raise his voice against sending the information conveyed by newspapers, free of postage into the cottage of the poor settlers in the backwoods. Finding that he met with no success in his opposition to that reform he now changed his tack and preached against the raising of the maximum salaries of the servants in the departments.⁵⁶ He said heartily, with the hon. member for Renfrew that the abuse of the hon. member for Haldimand was an honor. That hon. gentleman had called him (Mr. Spence) a traitor to principle and to his party for the sake of the sweets of office. But whatever opinion the member for Haldimand might have of him, he felt that, as a member of the present Government, he would continue to receive the support of his constituents. The hon. member for Haldimand abused everybody in turn. He lived in an atmosphere of abuse. He thirsted after the only notoriety that he ever could get, and he would submit to be pelted in the streets for the sake of it. It was only a few days ago that he obtained credit from the hon. member for Haldimand for the manner in which his Department was conducted, and now he blamed him.⁵⁷

MR. MACKENZIE.--I give you credit yet.⁵⁸

((MR. POST. GEN. SPENCE:)) The hon. member is long speaking of economy⁵⁹. Yet that hon. member in his great efforts for economy, would have the house discuss each increase of salary from 400L to 425L or 450L at an immense cost instead of leaving it to the head of the department in possession of the merits and labors of those officers. Though loud mouthed in his professions of a desire for economy he cost the country more than any other member of the House, while they were getting \$4 per diem, he had spoken on an average from an hour to an hour and a half, but since the allowance was increased to \$6 he had favoured them with from an hour and a half to two hours talking. Thus the hon. member for Haldimand in his zeal for economy had cost the country about 14,000L this

session for idle talk. This might be pardoned if he had effected any valuable reform, or passed any important measure; but he could point to none such.⁶⁰

(880)

Mr. Antoine Aimé Dorion moved in amendment to the Question, seconded by Mr. Holton, That all the words after "Resolutions" to the end of the Question be left out, in order to add the words "be re-committed to a Committee of the whole House for the purpose of specifying what are the Officers in the Post Office Department whose Salary it is proposed to increase from Four hundred to Five hundred pounds, and also, for the purpose of limiting the number of Inspectors to be employed by the Post Office Department" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Christie, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Foley, Freeman, Hartman, Holton, Larwill, John S. Macdonald, Mackenzie, Mattice, Papin, Prévost, Sanborn, and Scatcherd.--(19.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Cameron, Cartier, Casault, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Delong, Dionne, Attorney General Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Gould, Guévremont, Hincks, Jackson, Labelle, Langton, Laporte, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Terrill, Turcotte, and Yeilding.--(66.)

So it passed in the Negative.

Then the main Question being put, That the Resolutions be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

(880-881)

YEAS.

Messieurs Alleyn, Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Cameron, Cartier, Casault, Cayley, Chabot, Chapais, Chauveau, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Delong, Dionne, Attorney General Drummond, Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Gould, Guévremont, Hincks, Jackson, Labelle, Langton, Laporte, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Munro, Murney, Niles, Poulin, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Terrill, Turcotte, and Yeilding.--(66.)

(881)

NAYS.

Messieurs Brown, Christie, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Foley, Freeman, Hartman, Holton, Larwill, John S. Macdonald, Mackenzie, Mattice, Papin, Prévost, Sanborn, and Scatcherd.--(19.)

So it was resolved in the Affirmative.

*And the first Resolution, being read a second time, was agreed to.*⁶¹

The second Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided:--And it was resolved in the Affirmative.

On motion of MR. POST. GEN. SPENCE,⁶²

(881)

Ordered, That the said Resolutions be referred to the Committee of the whole House on the Bill to abolish Postage on Newspapers published within the Province of Canada, and for other purposes connected with the Post Office Department of this Province, with power to make provision therein pursuant to the said Resolutions.

On motion that the House do go into Committee on Bill to abolish Newspaper Postage ((and for other purposes connected with the Post Office Department)),⁶³

MR. J.S. MACDONALD (Glengary) enquired if the Inspectors received \$3 per day travelling expenses in addition to their salary--and if it was at their own option to travel about as they pleased.⁶⁴

MR. POST. GEN. SPENCE.--No, they only travelled when required and as they received instructions.⁶⁵

MR. J.S. MACDONALD enquired whether in any of the present Post Offices, or those contracted to be built, Postmasters had residences.⁶⁶

MR. POST. GEN. SPENCE replied that in some there were the same accommodations as cashiers of Banks had in Banks.⁶⁷

MR. J.S. MACDONALD considered that these perquisites with their salaries amounted to a pretty good income.⁶⁸

MR. MACKENZIE would wish to know the reason why Mr. Griffin's salary was reduced in 1851 and raised in 1855.⁶⁹

(881)

The House, according to Order, again resolved itself into a Committee on the Bill to abolish Postage on Newspapers published within the Province of Canada, and for other purposes connected with the Post Office Department of this Province; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Chisholm reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Tuesday next.

Mr. Stevenson, from the Committee of the whole House to consider the expediency of continuing and extending the Act 9 Vic. cap. 33, intituled, "An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada," reported several Resolutions; which were read, as follow:--

1. Resolved, That there be granted to Her Majesty the sum of Ten thousand pounds, to be raised by Debentures to be issued on the Credit of the Province, to enable Her Majesty to assist the Law Society of Upper Canada in discharging a

Debt of Four thousand pounds incurred by them in carrying out the provisions of the Act 9 Vic. intituled, "An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada," and also to provide increased accommodation for the Superior Courts in Upper Canada.

2. Resolved, That for the purpose of paying the Interest of the said Debentures, and to liquidate the Principal thereof, there be authorized to be levied and imposed on certain Proceedings in Law and Equity in Upper Canada, the sums set forth in that behalf, in the Schedule to the Act 9 Vic. aforesaid, until the Debt of the Law Society, and all costs of providing the said additional accommodation, shall have been discharged and paid.

And the first Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: and the names being called for, they were taken down, as follow:--

(881-882)

YEAS.

Messieurs Aikins, Alleyn, Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Brown, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Clarke, Cook, Crawford, Jean B. Daoust, DeLong, Desaulniers, Dufresne, Felton, Fergusson, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Frazer, Gamble, Gill, Guévremont, Hartman, Holton, Jackson, Labelle, Laporte, Larwill, LeBoutillier, Attorney General Macdonald, McCann, Matheson, Mattice, Meagher, Mongenais, Joseph C. Morrison, Murney, O'Farrell, Patrick, Poulin, Pouliot, Rolph, Solicitor General Ross, Shaw, Solicitor General Smith, Spence, Stevenson, Terrill, Thibaudeau, and Turcotte.--(63.)

(882)

NAYS.

Messieurs Bourassa, Christie, Church, Darche, Jean B.E. Dorion, Antoine A. Dorion, Gould, Jobin, Lumsden, John S. Macdonald, Mackenzie, Papin, Prévost, Sanborn, Scatcherd, and Sidney Smith.--(16.)

So it was resolved in the Affirmative.

The second Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided:--And it was resolved in the Affirmative.

Ordered, That Mr. Solicitor General Smith have leave to bring in a Bill to extend and continue the Act, intituled, "An Act to provide for the accommodation of the Courts of Superior Jurisdiction in Upper Canada," and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, of the 19th ultimo, for certain information respecting Employés in the Public Departments at Head Quarters.

For the said Return, see Appendix (S.S.S.)

Return to an Address from the Legislative Assembly, of the 26th ultimo, for copies of Reports relative to Monies advanced to the Grand Trunk Railway Company, or their Agents on their behalf.

For the said Return, see Appendix (F.F.)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 17th April, 1855, for copy of the Report of the Department of Public Works upon the Petition of James Egan, and copies of all Tenders, Correspondence and other papers.

For the said Return, see Appendix (T.T.T.)

Sur motion de MR. BROWN,⁷⁰

(882)

Ordered, That the Returns relative to the Grand Trunk Railway Company, and to the Petition of James Egan, presented this day, be printed for the use of the Members of this House.

On motion of MR. INSP. GEN. CAYLEY,⁷¹

(882)

The House, according to Order, resolved itself into a Committee to consider the expediency of providing for the payment of the Salary of an Auditor of Public Accounts; and after some time spent therein, Mr. Speaker resumed the Chair;

(883)

and Mr. Terrill reported, That the Committee had come to a Resolution.

Ordered, That the Report be received on Tuesday next.

The House then went into Committee on the Bill to secure the more efficient auditing of the Public Accounts.⁷²

MR. MACKENZIE, in commenting on the Bill, took occasion to accuse the Inspector General and Receiver General of preventing him from seeing their books in his capacity as Chairman of the Committee on Public Accounts.⁷³

MR. INSP. GEN. CAYLEY on the other hand denied that he had not given every facility possible to the Committee, and then proceeded to make a most violent personal attack on the past career (*sic*) of Mr. Mackenzie, alluding particularly to what he termed certain dark pages in the events ((of)) 1837, and declaring that he was a man utterly devoid of character and reputation.⁷⁴

MR. MACKENZIE replied with much spirit, and asked whether the character of a man who had been 13 times elected to represent the people in parliament, whose first election, with one exception, dated farther back than that of any other member of this House for either Upper or Lower Canada, a man who was the first Mayor of the City he lived in, Toronto, the first elected Justice of the Peace in Upper Canada--he asked whether the character of such a man would not bear comparison with that of one whose only claim to distinction was a little hole of a lawyer's box in Toronto, from which he went up to Huron and succeeded by Tory influence in getting himself returned to this House. He would despise himself, if his character was on a level with that of Ministers who had obtained their places by the sacrifice of their principles.⁷⁵

((A)) personal debate arose among the French members on the conduct of the Provincial Secretary and the Commissioner of Crown Lands (Messrs. Cartier and Cauchon) in admitting the principle by the 7th and 13th clauses of the Bill of requiring returns from educational establishments.⁷⁶

MR. TURCOTTE attacked Hon. Mr. Cauchon as faithless to the Catholic religion, in consenting to withdraw the veil of secrecy from Catholic Institutions⁷⁷.

MR. PAPIN assailed him ((Mr. Cauchon)) from the other side for having, in connection with Mr. Darche's Bill, severely condemned the Rouges for supporting the very principle to which he now assented as a member of the Government.⁷⁸

MR. COM. CR. LANDS CAUCHON replied with great warmth to the attack from both sides, protesting his firm attachment to Catholicism, and endeavouring to shew that there was some distinction between the present Bill and that of Mr. Darche.⁷⁹

MR. BROWN said he had not been able to follow the hon. gentleman throughout the whole of his eloquent speech, on ac((c))ount of its being in the French language, but he had understood him to defend the present Bill on the ground that it did not quite come up to the mark that was desired by the member for Lambton. The hon. gentleman might disabuse his mind of that notion, for so far as those clauses were concerned, he considered it a most excellent measure--the best that could be obtained from the present Government for procuring information about the working of those Institutions.⁸⁰

MR. COM. CR. LANDS CAUCHON seemed to have some misgivings that a measure which met with the warm approval of Mr. Brown, was not one which he as a thoroughgoing son of the Church ought to support, and he remarked that after the praise it had received from the member for Lambton, he was almost disposed to vote against it. He added that when he went among his constituents in Montmorency, the circumstance for which he was blamed more than for anything else, was that in last Parliament he had on some occasions unfortunately voted with the member for Lambton. (Laughter.) He should do his best not to fall into the same mistake again.⁸¹

The discussion continued till nearly midnight⁸².

(883)

The House, according to Order, resolved itself into a Committee on the Bill to secure the more efficient auditing of the Public Accounts; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bowes reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

The Order of the day for the second reading of the Bill to confirm certain things done under the Act to confirm the Reciprocity Treaty, and for other purposes, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Bellingham

reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time on Tuesday next.

The Order of the day for the second reading of the Bill to repeal the Act confirming a certain allowance for Road in the Township of Monaghan, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to explain an Act, intituled, "An Act to amend and extend the Law relative to the remedy by Replevin in Upper Canada," being read;

The Bill was accordingly read a second time; and ordered to be read the third time on Monday next.

The House, according to Order, resolved itself into a Committee on the Bill to legalize certain grants from the Municipalities of this Province towards the Patriotic Fund; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Stevenson reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time on Monday next.

The House, according to Order, resolved itself into a Committee on the Bill to amend and consolidate the Acts relating to the appointment of Reporters to the several Courts of Law and Equity in Upper Canada, and to repeal certain Acts therein mentioned; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. O'Farrell reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Then, on motion of the Honorable Mr. Attorney General Macdonald, seconded by Mr. Mackenzie,

The House adjourned.

APPENDIX: 20 APRIL 1855.

((NOTICE OF MOTION RE: BILL TO AMEND THE PARLIAMENTARY REPRESENTATION ACT OF 1853.))

MR. AT. GEN. DRUMMOND ((donne avis que)) lundi prochain ((il fera motion pour un)) Bill pour amender l'acte de la représentation parlementaire de 1853.⁸³

((NOTICE OF MOTION RE: ADDITIONAL AID FOR GRAND TRUNK RAILWAY.))

MR. INSP. GEN. CAYLEY has given notice of motion for Tuesday next--To resolve, that it is expedient to increase the Provincial aid to the Grand Trunk Railway Company of Canada to an amount not exceeding 900,000L, sterling, making fifty per cent in all on that portion of the line which lies between St. Thomas east of Quebec and Stafford, west of Toronto, (excluding Victoria Bridge,) such additional aid to be advanced on work to be performed after the first of May, 1855, on the Security of the whole amalgamated Grand Trunk line of Railway, and to be repaid within a given period.⁸⁴

((NOTICE OF MOTION RE: RESOLUTIONS CONCERNING THE PAYMENT OF JURORS IN LOWER CANADA.))

MR. SANBORN ((donne avis que)) lundi prochain ((il)) proposera les résolutions suivantes:

1. Qu'il est expédient d'établir des dispositions pour le paiement des grands et petits jurés dont la présence est requise devant les cours criminelles dans le Bas-Canada.

2. Qu'il est expédient d'autoriser les shérifs des divers districts du Bas-Canada à payer à tels jurés, à même les fonds qui leur sont fournis pour défrayer les dépenses de l'administration de la justice, la somme de cinq chelins par jour qu'ils assisteront aux cours, et six deniers par mille pour leur((s)) frais de transport depuis leur résidence jusqu'aux dites cours.

3. Que pour faire bon l'argent ainsi approprié, tout shérif devrait être autorisé et requis de percevoir, annuellement, des municipalités de paroisse et de township, dans son district, la somme requise pour le paiement des jurés dans icelui, et toute municipalité de paroisse et de township devrait y être tenue à proportion du nombre d'habitants qu'elle contient.⁸⁵

FOOTNOTES: 20 APRIL 1855.

1. GLOBE, 30 April 1855.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. MONTREAL GAZETTE, 25 April 1855.
11. GLOBE, 30 April 1855.
12. MORNING CHRONICLE, 24 April 1855.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. GLOBE, 30 April 1855.
21. MORNING CHRONICLE, 24 April 1855.
22. IBID.
23. GLOBE, 30 April 1855.
24. MORNING CHRONICLE, 24 April 1855.
25. GLOBE, 30 April 1855. The ellipsis represents illegible words.
26. MORNING CHRONICLE, 24 April 1855.
27. GLOBE, 30 April 1855.
28. IBID.
29. LE PAYS, 26 April 1855.
30. MORNING CHRONICLE, 24 April 1855.
31. GLOBE, 30 April 1855.
32. IBID.
33. LE PAYS, 26 April 1855.
34. MORNING CHRONICLE, 24 April 1855.
35. LE PAYS, 26 April 1855.
36. MORNING CHRONICLE, 24 April 1855.
37. TORONTO DAILY LEADER, 26 April 1855.
38. MORNING CHRONICLE, 24 April 1855.
39. IBID.
40. TORONTO DAILY LEADER, 26 April 1855.
41. TORONTO DAILY LEADER, 26 April 1855. HAMILTON SPECTATOR, 28 April 1855, copies the TORONTO DAILY LEADER, yet splits this speech by Mr. J. Smith into two separate speeches. The version from HAMILTON SPECTATOR is reprinted below for the reader's consideration:
"Mr. Smith (Victoria).--Order, order! I rise to order.
"Mr. Speaker.--It certainly is not parliamentary to call hon. members luminaries."
42. TORONTO DAILY LEADER, 26 April 1855.
43. IBID.
44. IBID.

45. GLOBE, 30 April 1855.
46. MORNING CHRONICLE, 24 April 1855.
47. IBID.
48. MONTREAL GAZETTE, 25 April 1855. On the subject of a salary increase to Mr. Griffin, MONTREAL GAZETTE reports Mr. Mackenzie said, "he knew no more about ((him)) than the man in the moon". TORONTO DAILY LEADER, 26 April 1855, reports a similar comment. According to LE PAYS, 26 April 1855, Mr. Mackenzie here discusses a reduction which had been previously made to Mr. Griffin's salary. Since LE PAYS, 26 April 1855, reports only three speeches from the debate on Post Office issues, it is possible Mr. Mackenzie's comments occurred when they went into committee. TORONTO DAILY LEADER, 26 April 1855, has reported such a comment, footnote 69. That portion of Mr. Mackenzie's speech which cannot be placed in time, has been reprinted below for the reader's consideration:
"Avant d'augmenter le salaire de M. Griffin, il voudrait aussi savoir pourquoi son salaire a été réduit il y a deux ans? S'il y a eu de bonnes raisons pour le réduire, pourquoi l'augmenter aujourd'hui sans raison apparente. L'hon. maître des postes et l'hon. membre pour Renfrew (MM. Spence et Hincks) faisaient partie du comité qui a recommandé la réduction du salaire de M. Griffin, pourquoi ne disent-ils pas aujourd'hui qu'elles étaient leurs raisons pour en agir ainsi alors? C'est qu'alors ils voulaient se rendre populaires, et depuis que l'hon. maître des postes est parvenu au poste qu'il occupe, en abandonnant tous ses principes d'autrefois, on voit de nouveau s'élever les salaires de ceux qu'il a fait diminuer il y a deux ans."
49. MONTREAL GAZETTE, 25 April 1855.
50. MORNING CHRONICLE, 24 April 1855.
51. TORONTO DAILY LEADER, 26 April 1855.
52. IBID.
53. MORNING CHRONICLE, 24 April 1855.
54. TORONTO DAILY LEADER, 26 April 1855.
55. MORNING CHRONICLE, 24 April 1855.
56. IBID.
57. TORONTO DAILY LEADER, 26 April 1855.
58. IBID.
59. IBID.
60. MORNING CHRONICLE, 24 April 1855.
61. GLOBE, 30 April 1855, reports that the first resolution was agreed to unanimously and the second resolution was agreed to upon a division.
62. GLOBE, 30 April 1855.
63. TORONTO DAILY LEADER, 26 April 1855. According to the JOURNALS the bill under consideration is not only to abolish postage on newspapers, as the TORONTO DAILY LEADER, 26 April 1855, suggests by its wording, but it is also "for other purposes connected with the Post Office Department".
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. TORONTO DAILY LEADER, 26 April 1855. Within the debate on the resolutions to the Post Office Act, LE PAYS, 26 April 1855, reports Mr. Mackenzie's comments on the reduction of Mr. Griffin's salary at greater length. Since

it is not clear at which point the comments in LE PAYS occurred, they have been reprinted in footnote 48 for the reader's consideration.

70. LA MINERVE, 1 May 1855.
71. GLOBE, 30 April 1855.
72. GLOBE, 30 April 1855. This newspaper comments: "A very lengthened debate took place, mostly of a personal character."
73. GLOBE, 30 April 1855.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. LE PAYS, 26 April 1855.
84. MORNING CHRONICLE, 23 April 1855. Telegraph (LE PAYS, 24 April 1855), Telegraph (MONTREAL GAZETTE, 23 April 1855), and PILOT, 23 April 1855, report that the aid to the Grand Trunk Railway Company should not exceed 800,000L. On 21 April 1855, members debate on the subject and the lengthy accounts contained in MORNING CHRONICLE, 25 April 1855, TORONTO DAILY LEADER, 27 April 1855, and GLOBE, 30 April 1855, report the sum "intended" for loan was 900,000L.
85. LE PAYS, 26 April 1855.

SATURDAY, 21 APRIL 1855.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Young,--The Petition of the Board of Trade of the City of Montreal.

By Mr. Frazer,--The Petition of Whitson C. Moore and others, of the County of Welland; the Petition of James Gilmore and others, of the County of Welland; the Petition of Arthur Johnston and others, of the County of Welland; and the Petition of Orange Schyrer and others, of the County of Welland.

By Mr. Holton,--The Petition of the Board of Trade of the City of Montreal.

By Mr. Desaulniers,--The Petition of the Reverend J. Sirois and others, of the Parish of St. Barnabé.

By Mr. Freeman,--The Petition of Hiram Capron and others, of the Village of Paris; and the Petition of James Hamilton and others, of the North Riding of Wentworth.

By Mr. Gill,--The Petition of E. Boucher and others, of the County of Yamaska.

By Mr. Thibaudeau,--The Petition of the Reverend P.J. Bédard and others, of the Parish of St. Raymond de Bourg-Louis.

By Mr. Gould,--The Petition of Malcolm Gillespie and others, of the County of Ontario.

By Mr. Casault,--The Petition of Cyrille Bernier and others.

By Mr. Laberge,--The Petition of Gervais Lember and others, of the Parish of Ste. Ursule.

By the Honorable Mr. Cayley,--The Petition of Joseph Smith Lee, of the City of Ottawa.

By the Honorable Mr. Chauveau,--The Petition of the Reverend S. Belleau and others, of the Parish of Ste. Croix, County of Lotbinière.

By the Honorable Mr. Hincks,--The Petition of the Grand Trunk Railway Company.

By the Honorable Mr. Cartier,--The Petition of the Board of Trade of the City of Montreal.

By Mr. O'Farrell,--The Petition of Narcisse Thibaudeau and others, of the Parish of Ste. Croix; and the Petition of the Reverend S. Belleau and others, of the Parish of Ste. Croix, County of Lotbinière.

Pursuant to the Order of the day, the following Petitions were read:--

Of David Reist and others, of the County of Waterloo; of Andrew Lightbody and others, of the County of Wellington; of T.G.S. Nevills and others, of the County of Waterloo; of George Thomson and others, of the County of Waterloo; of James Davis and others, of the County of York; of John Wells and others, of the County of York; of Henry Stewart and others, of the County of York; of John Bamberger and others, of the County of South Wentworth; of Donald Black and others, of the County of Wellington; of Trueman H. Ward and others, of the County of Middlesex; of James McLean and others, of the County of York; of Charles Hedgers and others, of the County of West Brant; of The Session of Chalmers' Presbyterian Church, Kingston; of the Reverend William Fraser and others, of the Townships of West Gwillimbury and Tecumseth; of James Spittal and others, of the Counties of Wentworth and Haldimand; of the Reverend Samuel Harris and others, of the Township of Sarnia; of George Cheyne and others, of the County of Wentworth; of William Nicol and others, of the County of York; of J.R. Lamoureux and others, of the County of Huntingdon; of John Scott and

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others, of the Village of Napanee; of William Johnston and others, of the County of Peel; of Peter Smith and others, of the County of Waterloo; of O.M. Smith and others, of the Township of Charlotteville, in the County of Norfolk; of Michael Colver and others, of the Township of Townsend, in the County of Norfolk; and of Justus A. Ford and others, of the County of Oxford; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of the Reverend Patrick Dowd and others, the Committee of the St. Patrick's Orphan Asylum of Montreal; praying for an Act of Incorporation.

Of James Wilson and others, of the Township of Garafraxa, in the County of Wellington; praying that the said Township may be divided into two separate Townships.

Of Ignace Moisan, of the Township of Rawdon, in the County of Montcalm; praying that he may not be unjustly deprived of a certain lot of land at present occupied by him in the said Township.

Of S.M. Cushman and others, Clerks of Division Courts for the United Counties of Prescott and Russell; praying that the Tariff of Fees allowed them under the Act 16 Vic. cap. 53, may be increased.

Of Mary Jakeway and others, of the Township of East Gwillimbury; of Aaron Jakeway and others, of the Township of East Gwillimbury; and of A. Campbell and others, of the Town of Chatham; praying for the passing of a Prohibitory Liquor Law.

Of Hubert Piché and others, of the Parish of St. Hugues; of the Reverend J. Lebourdais, Curé, and others, of the Parish of St. Antoine de la Rivière du Loup, County of Maskinongé; praying that a permanent Seat of Government may be established.

Of the Municipal Council of the County of Perth, Stockholders in the Buffalo, Brantford, and Goderich Railway Company; praying aid to complete the said Road.

Of the Municipal Council of the United Counties of Stormont, Dundas, and Glengarry; praying for the construction of a Canal to connect the waters of the St. Lawrence with those of the Nation and Aux Raisins Rivers.

Of Noël Hébert and others, of the Township of Arthabaska, and of the Parish of St. Norbert d'Arthabaska; of Joseph Girouard and others, of the Township of Stanford; of Auguste Quesnel and others, of the Township of Warwick; of F.X. Buteau and others, of the Township of Chester; and of Joseph Beliveau and others, of the Township of Bulstrode; praying that the Parish of St. Christophe may be substituted in lieu of St. Norbert, as the chief place for holding the Circuit Court in the County of Arthabaska.

Of the Honorable Robert Spence and others, of the County of Wentworth; praying for the passing of an Act to amend the 16 Vic. cap 54.

Of the Mechanics' Institute and Library Association of Huntingdon; praying for an aid.

Of John Hamilton and others, Owners and Proprietors of the Mail Line of Steamboats upon Lake Ontario; and of Messieurs Buchanan, Harris and Company, and others, Merchants, and others, of the City of Hamilton; praying that power may be given to the Great Western Railway Company to run their Steam vessels between Hamilton, Toronto, and Oswego.

Of the Hamilton Board of Trade; praying that the Bill now before the House to incorporate the Millers' Association of Canada West, may not become law.

Of A.J. Duchesnay and others, of the Counties of Portneuf and Quebec; praying that the Road leading from the property of Mr. Gauvin at L'Ancienne Lorette,

and running towards the Concession St. Ange, may be macadamized and placed under the control of the Quebec Turnpike Trust.

Of the Mechanics' Institute of Berlin; praying for an aid.

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Of Simeon Fraser and others, of the Parish of St. Jean Port Joli, in the County of L'Islet; praying for aid to construct a Wharf.

Of Simeon Fraser and others, of the Parish of St. Jean Port Joli, in the County of L'Islet; praying aid for a road.

Of the Quebec Board of Trade; praying that the Bill now before the House, from the Legislative Council, to facilitate private settlements between Insolvent Debtors and their Creditors, may become law.

Of Hugh Fraser and others, of the City of Ottawa; representing that a sum of 5,200L has been uselessly squandered on the Road from Pembroke to Mattawan; and praying that previous to making any further grant for the said Road, an enquiry may be instituted into the expenditure of the first outlay.

Of J. Counter and others, Trustees of the Kingston General Hospital; praying for certain amendments to their Act of Incorporation.

Ordered, That the Petition of the Hamilton Board of Trade, relative to the Millers Association, be referred to the Committee of the whole House on the Bill to confer a Charter on the Millers' Association of Canada West, with Banking privileges.

Ordered, That the Petition of John Hamilton and others, Owners and Proprietors of the Mail Line of Steamboats upon Lake Ontario; and the Petition of Messieurs Buchanan, Harris and Company, and others, Merchants, and others, of the City of Hamilton, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the several Petitions praying for the passing of an Act making Vessels while passing through the Welland Canal liable for stores and provisions obtained from the Merchants, be referred to the Select Committee to which was referred the Petition of Andrew Foster and others, of the Town of St. Catharines.

The Honorable Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Twelfth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act to incorporate the Vaudreuil Railway Company, and have made several amendments thereto, which they humbly submit for the adoption of Your Honorable House.

Mr. Mongenais moved, seconded by Mr. Crawford, and the Question being proposed, That the Bill to amend the Act to incorporate the Vaudreuil Railroad Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Thursday next;

Mr. Bellingham moved in amendment to the Question, seconded by the Honorable Mr. Merritt, That all the words after "be" to the end of the Question be left out, and the words "referred back to the Standing Committee on Railroads, Canals, and Telegraph Lines" inserted instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill to amend the Act to incorporate the Vaudreuil Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Thursday next.

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Mr. Antoine Aimé Dorion, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Thirtieth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Molsons Bank, and have agreed to report the same without any amendment; they have also examined the Bill to incorporate the Sisters of St. Joseph at Toronto, and have agreed to an amendment thereto; and the Bill to authorize William Fraser and Edouard Fraser to alienate, by lots, a portion of the Domain of the Seignior of Rivière du Loup, to which they have prepared several amendments; all which amendments they have the honor to submit for the consideration of Your Honorable House.

Ordered, That the Bill to authorize William Fraser and Edouard Fraser to alienate, by lots, a portion of the Domain of the Seignior of Rivière du Loup, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

Ordered, That the Bill to incorporate the Molsons Bank, be committed to a Committee of the whole House, for Thursday next.

Mr. Jean Baptiste Eric Dorion reported from the Select Committee on the Bill to legalize certain transactions and to alter the tenure of Indian Lands in the Township of Durham, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Mr. Laberge reported from the Select Committee on the Bill to amend the Acts relating to Building Societies, and the Bill to amend the Act for the encouragement of Building Societies in Lower Canada, That the Committee had gone through the second of the said Bills, and made amendments thereunto.

Sur motion de MR. DUFRESNE,¹

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Ordered, That the Bill to incorporate the L'Assomption River and Railroad Company, be read the third time on Thursday next.

Ordered, That the Bill to incorporate the Sisters of St. Joseph in Toronto, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

The Honorable Mr. Cayley, one of Her Majesty's Executive Council, presented, by Command of His Excellency the Governor General--The Public Accounts for the Year 1854.

For the said Accounts, see Appendix (D.)

Mr. James Smith moved, seconded by Mr. Gould, and the Question being put, That the Petition of Donald Cameron, of Thorah, be printed for the use of the Members of this House; the House divided:--And it passed in the Negative.

Ordered, That the Return relative to the By-Laws or Statutes of the Toronto University, presented on Tuesday last, be printed for the use of the Members of this House.

The Honorable Sir Allan N. MacNab moved, seconded by Mr. Solicitor General Smith, and the Question being put, That the 71st Rule of this House be suspended

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as regards the several Bills to amend Railway Acts now before the Standing Committee on Railroads, Canals, and Telegraph Lines; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyne, Bell, Bellingham, Biggar, Blanchet, Bowes, Brodeur, Cameron, Cartier, Cauchon, Cayley, Chabot, Church, Clarke, Cook, Daly, Delong, Desaulniers, Dionne, Dostaler, Dufresne, Felton, Ferres, Ferrie, Foley, Thomas Fortier, Octave C. Fortier, Fournier, Freeman, Galt, Gamble, Gould, Guévremont, Hincks, Labelle, Langton, Lemieux, Loranger, Attorney General Macdonald, Sir A.N. MacNab, Masson, Mattice, Merritt, Mongenais, Angus Morrison, Munro, Niles, Patrick, Poulin, Pouliot, Rhodes, Robinson, Solicitor General Ross, James Ross, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, and Whitney.--(64.)

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Messieurs Aikins, Bourassa, Brown, Bureau, Chauveau, Chisholm, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Frazer, Hartman, Holton, Jobin, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Papin, Prévost, and Wright.--(24.)

So it was resolved in the Affirmative.

MR. J.S. MACDONALD (Glengary) moved an address to his Excellency for copies of certain reports, statements, contracts, correspondence, &c., relative to the Grand Trunk Railway of Canada. He said he had struck out of his motion the various returns which had been brought down yesterday, in reply to another address carried some time ago, but the greater part of the information required still remained to be brought down. The Inspector General had given notice of a motion for Tuesday, to grant an additional guarantee to the Grand Trunk Company of 900,000L sterling, and it was highly necessary that the House should approach the consideration of a subject of so much importance with the fullest information that could be obtained in regard to it. (Hear, hear.) Amongst the documents which the House were not yet in possession of, and which were embraced in his motion, were copies of correspondence between the members of the government and the contractors of the Company, and the correspondence between the Receiver General and the London agents, Messrs. Glyn, Baring & Co. It was also desirable that the contracts, which had been seen by certain members of the Railroad Committee in the early part of the session, should be laid before the House², ((so)) he availed himself of this occasion to ask the House to allow him to take up, out of its turn a motion for papers, of which he had given notice.³

MR. PRES. EX. COUN. MACNAB.--The government are ready to give the House all the information they are themselves in possession of, but they cannot very well be asked to bring down the contracts which the contractors themselves alone can furnish.⁴

MR. BROWN.--Does the gallant knight tell the House, that when this Company is making application for the loan of another four and a half millions of dollars, the government cannot compel the contractors to place those contracts on the table?⁵

MR. AT. GEN. J.A. MACDONALD.--They are not refused.⁶

MR. BROWN.--Let it be put in the motion, then.⁷

MR. AT. GEN. J.A. MACDONALD.--We cannot produce these contracts; it is for the contractors to do so.⁸

MR. BROWN.--Is it possible that the Government have not got a copy of those contracts, or that the Railroad Committee have not got it, when such an application is about to be made? (Hear, hear.) There are some honourable members present connected with the Grand Trunk. Let them say that the documents will be brought down, and it is all we want.⁹

MR. CAMERON said he could not believe that the Government would have any objection to produce the documents, if they had the control of it, and this he thought they must have when they made such an application to the House as to ask for the company another grant of 900,000L sterling.¹⁰

After some further conversation,

MR. J.S. MACDONALD (Glengary) withdrew the part of his motion relating to the contracts, on the understanding that they would be produced without the order of the House.¹¹ It was agreed that the contracts should come down with the rest of the papers.¹²

MR. MACKENZIE moved an amendment, that a clause be added to the motion, requiring the production of "an accurate list of the stockholders of the Grand Trunk Railway Company and of other companies associated therewith, and of the shares they respectively hold."¹³

MR. SOL. GEN. H. SMITH.--No! no!¹⁴

MR. PRES. EX. COUN. MACNAB said the Ministry had no such list.¹⁵

MR. MACKENZIE said the Solicitor General fortunately was not the master of the House. If they were to lend the company 900,000L sterling he thought they should learn who the company were, who were the persons to whom they were to lend it. Were they to hand four and a half million of dollars to a company that had already deceived the House as far as they possibly could, and who were continually coming for more money, without finding out who they were to whom they were giving that immense amount? It was not enough for the Speaker of the Legislative Council to call individual members to his room, and shew them a list, telling them they must not see it. He had seen that list himself but he

did not believe it was a correct one.¹⁶ He was taunted on a former occasion with having seen the list, when he made a motion like the present. He thought this way of showing things to one member and keeping them back from others was very invidious indeed. He knew his motion would not carry in the present House, but when the tale which was now flowing turned, there would be an universal cry against those who had saddled the country with a vast increase of debt without even knowing to whom they gave the money.¹⁷

MR. LARWILL supported the amendment. He did not see why people who had stock in the Grand Trunk should be ashamed of having their names known. And when the House required such information from banks and similar institutions, they surely had a right to require it from this company to which they were paying millions of pounds.¹⁸

MR. BROWN said it must be obvious to every one, that, to be in a position to consider the question which was to be brought before the House on Tuesday, it was absolutely necessary that they should have this information. (Hear, hear.) The affairs of the Grand Trunk company had now come to such a pass, that they were called upon to consider what steps could be taken to prevent the entire stoppage of the works. And how could they do this, without knowing who the stockholders were who would be benefitted (sic) or injured by their proceedings. He could not understand why the Government should resist this motion. He had himself seen the list, and he was not aware of any ground why the information sought should be refused. After all that had passed in connection with the Grand Trunk company, surely the time had now arrived when there should be no more concealment, when everything should be fairly and openly laid before the public. (Hear, hear.) He was quite satisfied that the refusal to give this information would have a very detrimental effect on the application which the Government were about to submit to the House. (Hear, hear.)¹⁹

MR. HINCKS said that when a similar question had arisen in reference to other companies, the House had invariably refused to ask for the information now sought by the honourable member for Haldimand. (No! no!) He did not think it all expedient to publish the names and private transactions of the stockholders. There was no particular reason in the present case for withholding the names which had been seen by several of the members, but on the other hand there was nothing special in this case requiring that the private transactions of the stockholders should be disclosed to the public. He ... had never seen another company, possessing a body of shareholders who had paid their calls with more punctuality or fulfilled their engagements better than the stockholders of the Grand Trunk. On the A series of shares which had been issued, calls altogether of 60 per cent. had been made, and never had calls been more punctually met than these were, and he had no doubt that the remaining calls would be paid as they were made, which they would be as rapidly as the prospectus allowed. He asked them wherein the stockholders of the Grand Trunk company had acted in such a manner as to justify this House in placing them on a different footing from the stockholders of all other companies, and bringing their private affairs before the public? The house had refused the same proposition in the cases of the Bank of Montreal and the Bank of Upper Canada, and they ought to take the same course now. So far as he was personally concerned, although a shareholder of the company, he did not object to the motion because it would shew what amount of stock he himself held, as the Star Chamber committee that was now sitting on his

conduct was dragging that and everything else connected with his private transactions before the public. But he objected to the principle of the motion, and he believed, moreover, that the information sought had no bearing whatever in any way or shape on the question that would come before the house on Tuesday.²⁰

MR. YOUNG said the hon. member for Renfrew was mistaken in asserting that there had never been an instance of the names of the stockholders of any such company being demanded by this house. The name of every stockholder of the St. Lawrence and Atlantic Railroad was demanded by the Railroad Committee, and was now published in the journals of the house, and this was done before they could get a copper of guarantee from the province. (Hear, hear.) Why should the Grand Trunk Company be put on a different footing from that of the people of this country? The member for Renfrew said that no body of stockholders had ever performed their engagements better in the way of paying up stock. But did not the stockholders of the St. Lawrence and Atlantic pay up the whole of their stock before the Grand Trunk Company set a foot in this country. He was in favour of the amendment. When a company, after having broken its contract, came before the house with such an application as they were now making, he thought they should be put in possession of the fullest information, before the people of this country consented to give them a copper more than they had already received.²¹

MR. J.S. MACDONALD, in addition to the instance mentioned by the member for Montreal, stated that the Buffalo and Brantford Railroad Company had also been called upon to furnish a ... list of their shareholders, which was now recorded on the journals of the house. The member for Renfrew asked why this company should be selected to make such a return, when it had been refused in the case of banks. But were there any banks in the same position as this company? Where (sic) there any banks that asked for aid from this house?²²

MR. PRES. EX. COUN. MACNAB said the Government were determined to put the House in possession of information on every matter they possibly could in connection with the Grand Trunk Railway Company. (Hear, hear.)²³

MR. FERRES was glad to hear that the Government had come to the conclusion to withhold no information on the subject of the Grand Trunk Company. For his own part, as a stockholder of the Grand Trunk, he had no objection in the world to the names of the stockholders being published.²⁴ He wanted to get this information, too, with respect to another Company.²⁵

MR. CHABOT considered that the information sought should be given; but it might be a bad precedent to ask the Government for papers which were not under their control.²⁶ ((He)) thought if the Government had not command of it, it would be better not to put it in the address.²⁷

MR. BELLINGHAM hoped the motion would include the names of the Stockholders in another Company, which though not identical with the Grand Trunk, had all its stock taken up by persons connected with that enterprise.²⁸

CAPT. RHODES was in favor of the utmost publicity in all matters connected with the Grand Trunk. He thought that publicity would remove many of the erroneous impressions on the subject that were abroad.²⁹

The original motion, as amended, passed unanimously.³⁰

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The Honorable John Sandfield Macdonald moved, seconded by Mr. Brown, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of all Correspondence between the Government, or any Member thereof, and the Grand Trunk Railway Company, and with the Contractors, Messieurs Peto, Brassey, Betts, and Jackson, on the subject of the said Railway, up to this date, and of all Correspondence between the Receiver General of this Province and Messieurs Glyn, Mills and Company, and Messieurs Baring Brothers and Company, the Financial Agents of this Province, in respect of the payment of any Provincial Debentures in London to the said Company up to the same period; and also, copies of any Letters or Correspondence between the said Company and the said Contractors on the subject of the said Railway, and concerning the Contract or Contracts between the parties, which may be in the possession of the Provincial Government;

On motion of Mr. Mackenzie, seconded by Mr. Frazer, the words "and an accurate List of the Stockholders of the Grand Trunk Railway Company, and of the other Companies associated therewith, and of the Shares they respectively hold" was added at the end thereof.

Then the main Question, so amended, being put;

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of all Correspondence between the Government, or any Member thereof, and the Grand Trunk Railway Company, and with the Contractors, Messieurs Peto, Brassey, Betts, and Jackson, on the subject of the said Railway, up to this date, and of all

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Correspondence between the Receiver General of this Province and Messieurs Glyn, Mills and Company, and Messieurs Baring Brothers and Company, the Financial Agents of this Province, in respect of the payment of any Provincial Debentures in London to the said Company up to the same period; and also, copies of any Letters or Correspondence between the said Company and the said Contractors on the subject of the said Railway, and concerning the Contract or Contracts between the parties, which may be in the possession of the Provincial Government, and an accurate List of the Stockholders of the Grand Trunk Railway Company, and of the other Companies associated therewith, and of the Shares they respectively hold.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Darche have leave to bring in a Bill to authorize the Officers of County Agricultural Societies to establish Public Granaries.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Alleyn have leave to bring in a Bill to amend and consolidate the Game Laws.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. ALLEYN ... brought in a bill to encourage the study of the law in Lower Canada.³¹

Some one joked him on its introduction, saying he thought there were too many lawyers in Lower Canada already³².

((MR. ALLEYN)) replied his object was by no means to increase their number, but to encourage them to study their professions.³³

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Ordered, That Mr. Alleyn have leave to bring in a Bill to encourage the study of the Law in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Bellingham, seconded by Mr. Rankin,

Resolved, That an humble Address be presented to His Excellency the Governor General, for a copy of the Report of the Medical Superintendent of Grosse Isle, for 1854, and of any proceedings taken or ordered by the Government on any Report of theirs relative to the management of Emigration, in order that the same may be placed in the hands of the Members, with a view of extending, by a legal enactment, the protection to the Emigrant recommended in this Report, and such restrictions as may interdict the excessive crowding of Emigrants on board of steam vessels engaged in the conveyance of Passengers from Quebec to the West.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Bureau have leave ... to bring in a Bill to compel Incorporated Banks to accept their own Notes at par, in payment of any Debts that may be due them.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Church, seconded by Mr. DeLong,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House,

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a Return of the names of persons who have applied to be placed on the Fund provided by Law for the support of superannuated Teachers of Common Schools, according to the dates of their respective applications up to the present time, distinguishing the Countries of which they are natives respectively, the Religious denominations to which they belong, their ages, the number of years they have respectively been previously engaged in teaching, so far as can be ascertained, and also the names of such of these applicants as may have been admitted on said Fund.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Langton moved, seconded by Mr. James Smith, and the Question being put, That this House do sit on Saturdays from Two o'clock, P.M., until Six o'clock, P.M., unless the Notices of Motions are sooner gone through; and that any Notice of Motion on any day not proceeded with when called, shall be struck off the List; the House divided:--And it was resolved in the Affirmative.

Ordered, That Mr. Sidney Smith have leave to bring in a Bill to re-organize the Jurisdiction of the several Courts of Common Law and Equity in Upper Canada, to extend the Jurisdiction thereof in certain cases, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Jobin, seconded by Mr. DeWitt,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all Correspondence between Samuel Gerrard, Esquire, of the City of Montreal, or any other person, with the Provincial Government, the Honorable the Provincial Secretary, or the Honorable the Commissioner of Crown Lands, concerning the Seignior of Lanaudière, or part thereof, from the 1st of July, 1853, up to this date.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Sidney Smith have leave to bring in a Bill to amend the Act establishing Surrogate and Probate Courts for Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Laberge have leave to bring in a Bill to exempt from seizure private Libraries and the Instruments and Tools of professions and trades.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of the Honorable Mr. Chabot, seconded by Mr. Langton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Report of the Commissioners appointed to enquire into the loss and damages sustained by the Sufferers by the Fires at Quebec, in virtue of which the Loan

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of One hundred thousand pounds promised to them, was paid to them in Debentures instead of Cash, and for copies of all Documents relative thereto.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Mongenais, seconded by Mr. Jean Baptiste Daoust,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Statement shewing what sum of money the Government has employed and expended in the Townships of Ripon and Artwell, out of the amount voted by the Legislature for the settlement of the Crown Lands; also shewing whether this sum of money has been so expended, and in what manner, whether for the opening or construction of Roads, or for other improvements, and at what places these Roads have been made in the said Townships, or elsewhere; shewing also, whether the work has been done by day labor or by contract, or whether it was offered to public competition; also, for copies of all agreements and contracts made and entered into with reference to the said Roads or improvements, and a Statement shewing the names of the Contractors and Overseers employed by the Government, and whether any balance of the said grant still remains unexpended.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Laberge moved, seconded by Mr. Masson, and the Question being put, That the Clerk do lay before this House a List of all the Members thereof who have not received the Ten shillings voted in the former part of this Session, over and above the daily Indemnity of Twenty shillings previously granted to the Members of this House by Law; the House divided: and the names being called for, they were taken down, as follow:--³⁴

YEAS.

Messieurs Aikins, Biggar, Blanchet, Bourassa, Brodeur, Bureau, Cartier, Casault, Cauchon, Chabot, Chapais, Chauveau, Cook, Charles Daoust, Jean B. Daoust, Darche, Desaulniers, Jean B.E. Dorion, Antoine A. Dorion, Dufresne, Thomas Fortier, Octave C. Fortier, Frazer, Guévremont, Hartman, Holton, Huot, John, Labelle, Laberge, Laporte, Loranger, Mackenzie, Masson, Meagher, Mongenais, Niles, Papin, Patrick, Poulin, Rhodes, Solicitor General Ross, Sidney Smith, James Smith, Thibaudeau, and Turcotte.--(46.)

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NAYS.

Messieurs Alleyn, Bell, Bellingham, Bowes, Brown, Cameron, Cayley, Clarke, Crawford, Crysler, DeWitt, Dionne, Attorney General Drummond, Fergusson, Ferrie, Foley, Lournier, Freeman, Galt, Gill, Gould, Jackson, Langton, Larwill, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, John A.N. MacNab, McCann, Matheson, Mattice, Murney, Rankin, Robinson, Rolph, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Somerville, Spence, Stevenson, Terrill, Whitney, Wright, Yeilding, and Young.--(49.)

So it passed in the Negative.

Mr. Brown's "Resolutions on the subject of the law-suit now being carried on in regard to the fifty-seven Rectories," were reached shortly before six o'clock, the hour when the House had agreed to adjourn.³⁵

MR. SICOTTE the SPEAKER said it was usual in such cases, when a quarter from six arrived, to devote the remaining time to such notices as would elicit no discussion.³⁶

MR. BROWN accordingly, in deference to the chair, withdrew his motion.³⁷

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Then, on motion of Mr. Solicitor General Smith, seconded by the Honorable Mr. Attorney General Macdonald,

The House adjourned until Monday next.

APPENDIX: 21 APRIL 1855.

((QUESTION AND ANSWER RE: MILITIA.))

MR. LARWILL enquired of Ministry, whether it is the intention of the Government, in re-organizing the Militia to form Companies of colored people or Negroes, and officer such Companies by persons of their race; also, whether it is the intention of the Government to appoint Staff Field or General Officers from Her Majesty's colored subjects or negroes in this Province; and, if not, why not; also, what number of colored persons or negroes are holding Her Majesty's Commissions in this Province, either in a civil or military capacity; also, whether it is the intention of the Government, in the re-organization of the Militia, to make any distinction of color or race, or whether they will pursue the more harmonious course and make one conglomerate whole?³⁸

MR. PRES. EX. COUN. MACNAB.--With regard to the first part of the honorable gentleman's enquiry, whether it is the intention to form companies of colored people or negroes, he would only say that the government held in high respect loyalty wherever it was to be found, and would respect the loyalty of the colored people of the Province as well as the loyalty of other people--color would not stand in the way. With regard to whether at present colored persons held Her Majesty's Commissions in this Province, there were none, but there were, doubtless, among such persons men who would discharge their duty willingly and creditably to themselves and the country. And with regard to the last question, whether it was the intention of the government to make any distinction of color or race, he would say most pointedly, that it was not the intention of the Government to do so.³⁹

((QUESTION AND ANSWER RE: PARLIAMENT BUILDINGS.))

MR. CHAUVEAU ayant demandé aux membres du gouvernement si c'était leur intention de recommander, dans la présente session, des votes d'argent pour la construction simultanée d'édifices pour la législature et le gouvernement dans les cités de Québec et Toronto,⁴⁰

MR. COM. PUB. WORKS LEMIEUX répondit que des commissaires ont été nommés pour examiner combien coûtera la réparation de l'ancienne chambre d'assemblée à Québec, et que le gouvernement a l'intention de proposer, dans les estimés, la construction simultanée, d'édifices pour la législature à Québec et à Toronto.⁴¹

((WITHDRAWN MOTION RE: ADDRESS CONCERNING JOHN MONTGOMERY.))

MR. MACKENZIE moved an address to his Excellency, "praying that he will be pleased to cause enquiry to be made into the circumstances under which the extensive hotel, outbuildings, furniture, and other property of Mr. John Montgomery of Toronto, situated in the township and county of York, were taken forcible possession of, while rented to, and in the occupation of his tenant, John Linfoot, tavern-keeper--set on fire, at noon-day, on Thursday, December 7, 1837--and burned to the ground by her Majesty's forces, then acting during an insurrection."⁴² He said that when he returned from exile, Col. Prince had asked for a Committee of enquiry into this affair, but his motion was refused

because the Government said it had made no inquiry and, therefore ... did not know if it were proper to let the motion pass. His present proposition was to leave the whole inquiry in the hands of the Government. And he believed no one knew better than the gallant premier that Montgomery had been wronged.-- Montgomery had a tenant in his house on Yonge street, who was paying him rent. And in consequence of the conduct of persons, who thought they had greivances (sic), some people assembled and took possession of the place, in spite of the tenant. They were routed by the gallant knight; but those who came after them, though bound to protect the property of Montgomery, destroyed it. Montgomery now sought to prove that he had nothing to do with the possession of the House by the insurgents, and wished inquiry into the facts, now that men's minds were cool. He found from a return to the British Parliament that there was precedent for repaying men what they had lost under similar circumstances. Mr. McKenzie finished by reading an extract from the Pilot (then written by Mr. Hincks) in reply to an article in the Montreal Herald, in which it was said that Montgomery was the last man who should be exposed to political persecution, as at the time of the rebellion his establishment was deliberately and wantonly burned to the ground.⁴³ All he asked was to have the case fairly investigated, which act of simple justice he trusted the Government would not refuse to an old and worn-out man.⁴⁴

MR. SICOTTE the SPEAKER said the form of the motion was not in order. The hon. member should have given notice that he would move the House into committee to consider the address, as it involved a money subsidy.⁴⁵

MR. MACKENZIE bowed to the Speaker's decision, and withdrew his motion, with the view of giving notice of it for a future day, in proper form.⁴⁶

FOOTNOTES: 21 APRIL 1855.

1. Telegraph (LA MINERVE, 1 May 1855).
2. GLOBE, 30 April 1855.
3. MORNING CHRONICLE, 25 April 1855.
4. GLOBE, 30 April 1855.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. MORNING CHRONICLE, 25 April 1855.
13. GLOBE, 30 April 1855.
14. IBID.
15. MORNING CHRONICLE, 25 April 1855.
16. GLOBE, 30 April 1855.
17. MORNING CHRONICLE, 25 April 1855.
18. GLOBE, 30 April 1855.
19. IBID.
20. GLOBE, 30 April 1855. The ellipsis represents illegible words.
21. GLOBE, 30 April 1855.
22. IBID.
23. IBID.
24. IBID.
25. MORNING CHRONICLE, 25 April 1855.
26. GLOBE, 30 April 1855.
27. MORNING CHRONICLE, 25 April 1855.
28. IBID.
29. GLOBE, 30 April 1855.
30. IBID.
31. MORNING CHRONICLE, 15 April 1855.
32. IBID.
33. IBID.
34. According to the JOURNALS, Mr. Laberge moved for a list of all the Members who had not received the ten shillings voted at the beginning of the session. MORNING CHRONICLE, 23 April 1855, Telegraph (MONTREAL GAZETTE, 23 April 1855), PILOT, 23 April 1855, and Telegraph (LE PAYS, 24 April 1855) report he moved for a list of the members who voted against the six dollars a day, and since received the indemnity for their services. Furthermore, the MONTREAL GAZETTE, MORNING CHRONICLE, and PILOT report the vote as Yeas, 45; Nays, 49. LE PAYS reports "Pour 4: contre 49", which is an impossibility.
35. GLOBE, 30 April 1855. Since withdrawn motions are rarely recorded in the JOURNALS, it is often not clear at what point in the debate these motions occurred. Items which cannot be placed chronologically are edited into the Appendix. Although Mr. Brown's resolutions were withdrawn, it can be determined that they were moved just prior to the adjournment.
36. GLOBE, 30 April 1855.
37. IBID.

38. TORONTO DAILY LEADER, 27 April 1855.
39. IBID.
40. LE PAYS, 26 April 1855.
41. IBID.
42. GLOBE, 30 April 1855.
43. MONTREAL GAZETTE, 25 April 1855.
44. GLOBE, 30 April 1855.
45. IBID.
46. IBID.

MONDAY, 23 APRIL 1855.

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MR. SPEAKER laid before the House, Statement of the affairs of the Montreal City and District Savings Bank, to the 1st January, 1855.

For the said Statement, see Appendix (E.E.)

Mr. Speaker acquainted the House, That he had received a Copy of the Minutes of the Proceedings of the Commissioner appointed to enquire into certain matters referred to him by the Select Committee appointed to try and determine the merits of the Petitions complaining of an undue Election and Return for the County of Megantic; and that, in pursuance of "The Election Petitions Act of 1851," he had by Warrant, to be inserted in the Official Gazette of this Province, directed the said Select Committee to re-assemble and meet again upon the third day of May next, at Ten o'clock in the forenoon, in the City of Quebec, to take the Proceedings of the said Commissioner into consideration.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Brodeur,--The Petition of the Reverend P.A. Sylvestre, Curé, and others, of the Parish of St. Dominique.

By Mr. Papin,--The Petition of F.B. Tranchemontagne and others, Censitaires, of the County of Berthier.

By Mr. Labelle,--The Petition of T. Paré and others, of the Parish of Ste. Rose, Isle Jésus.

By Mr. Laporte,--The Petition of F.X. Perreault and others, of the Parish of Pointe aux Trembles; and the Petition of E. Dauphin and others, of the Parish of Sault au Recollet.

By Mr. Brown,--The Petition of William Ford and others, of the Township of Moore, County of Lambton.

By Mr. Jean Baptiste Eric Dorion,--The Petition of A. Stein and others, of St. Christophe.

By Mr. Freeman,--The Petition of James Coleman and others, of the North Riding of the County of Wentworth.

Pursuant to the Order of the day, the following Petitions were read:--

Of Samuel Johnson and others, of the County of York; of John Hayward and others, of the County of Wentworth; of Richard Irwin and others, of the County of Middlesex; of Joseph Leeming and others, of the County of Grenville; of the Reverend David Caw and others, of the Village of Paris; of Alexander Munro and others, of the County of Middlesex; of Adam Hope and others, of the Town of

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London; of Elijah Price and others, of the County of Elgin; of John Glendinning and others, of the Township of Westminster, County of Middlesex; of Alum Marre and others, of the County of Elgin; of Henry Moore and others, of the County of Elgin; of John Smith and others, of the County of Elgin; of Levi Baldwin and others, of the County of Elgin; of William Beattie and others, of the Township of Westminster, County of Middlesex; of George Johnston and others, of the County of Argenteuil; of David Parish and others, of the County of Elgin; of Malcolm McGillivray and others, of the Township of Lochiel, in the County of Glengarry; of John Grant and others; of William James and others; of Whitson C. Moore and others, of the County of Welland; of James Gilmore and others, of

the County of Welland; of Arthur Johnston and others, of the County of Welland; of Orange Schyrer and others, of the County of Welland; of James Hamilton and others, of the North Riding of Wentworth; and of Malcolm Gillespie and others, of the County of Ontario; praying that the discretionary power of commutation may not be exercised in carrying out the provisions of the Clergy Reserves Act.

Of Allan McLean Howard and others, Clerks of Division Courts for the United Counties of York and Peel; praying that the Tariff of Fees allowed them under the Act 16 Vic. cap. 53, may be increased.

Of the Honorable R.U. Harwood and others, of the Parish of Vaudreuil; of the Reverend D.H. Tétu, Curé, and others, of the Parish of St. Roch des Aulnets; and of Narcisse Thibaudeau and others, of the Parish of Ste. Croix; praying that a permanent Seat of Government may be established.

Of the Reverend P.L. Lahaye, Curé, and others, of the Parish of St. Etienne de Beaumont, in the County of Bellechasse; praying that no Tavern License may be granted for the said County.

Of Levi Stevens and others, Trustees of the Durham Academy, in the County of Missisquoi; praying for an aid.

Of Nazaire Caron, President, and others, Members of the School Teachers' Association of the County of L'Islet; praying for an aid.

Of T. Le P. Filgiano and others, of the Village of Paris; praying that the said Village may be incorporated into a Town.

Of Helani Gagnon, President, and others, School Commissioners for the Parish of Ste. Claire de Joliet, in the County of Dorchester; praying for an aid.

Of William Oliver and others, residents on and near the Grand River; praying for a repeal of the Act 13 & 14 Vic. cap. 74.

Of Eugène Philippe Dorion, of the City of Quebec, Esquire, Advocate; praying for payment of his account as Clerk to the Commission for the examination of witnesses on the Contested Election for the County of Kamouraska.

Of Thomas B. Heath, of the Township of Hereford, in the County of Sherbrooke; praying that a fixed salary may be allowed him as a Preventive Officer in the Customs.

Of W.R. Doak and others, Trustees of the Compton High School, in the County of Compton; praying for an aid.

Of Samuel Lewis, of the City of Toronto; praying that leave may not be granted to the Hamilton and Toronto Railway Company to construct a stationary Bridge across the River Humber at its mouth.

Of the Board of Trade of the City of Montreal; praying for the passing of an Act restricting the inspection of Pot and Pearl Ashes to duly authorized Inspectors.

Of the Board of Trade of the City of Montreal; praying that Marine Insurance may be exempted from the operation of the Bill now before the House relating to Insurance Companies and Insurance Agents.

Of the Reverend J. Sirois and others, of the Parish of St. Barnabé; praying an aid for a Road.

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Of Hiram Capron and others, of the Village of Paris; praying that the Village of Paris may not be incorporated as a Town.

Of E. Boucher and others, of the County of Yamaska; praying for an aid to build a Bridge over the River St. Francis.

Of the Reverend P.J. Bédard, and others, of the Parish of St. Raymond de Bourg-Louis; praying for an aid to erect a School House.

Of Gervais Lambert and others, of the Parish of Ste. Ursule; praying that the Parish of Ste. Ursule may be the chief place of the County of Maskinongé.

Of Joseph Smith Lee, of the City of Ottawa; representing that he was the Lessee of the building now occupied by the House for its sittings, and that he has suffered loss by being deprived of the same; and praying relief.

Of the Reverend S. Belleau and others, of the Parish of Ste. Croix, County of Lotbinière; praying for certain amendments to the Seigniorial Tenure Act of 1854.

Of the Grand Trunk Railway Company of Canada; praying to be permitted to change the location of their line through the City of Toronto, and that power may be granted them for such purpose.

Of the Reverend S. Belleau and others, of the Parish of Ste. Croix, County of Lotbinière; praying that the Sessions of the Circuit Court of the said County may be held in the Parish of Ste. Croix.

Ordered, That the several Petitions praying for certain amendments to the Acts 12 Vic. cap. 35, and 13 & 14 Vic. cap. 64, relating to the permanent boundary lines of Concessions, and parts of Concessions, received up to this day, be referred to the Select Committee to which was referred the Bill to amend the Municipal Corporations Act.

Ordered, That the Petition of Samuel Lewis, of the City of Toronto, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Honorable Mr. Cameron, from the Select Committee on the Bill to amend the Municipal Corporation Acts, and other references, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have been engaged for several weeks in a most careful revision and consolidation of the several Statutes relating to Municipal Corporations, and have unanimously agreed to report the whole with amendments in one Act, instead of amending the existing Acts. In performing this work, Your Committee have adopted a new mode of classification of the various subjects over which the Municipalities have authority, and have so arranged them as to furnish easily the information required under any particular head, which under the present arrangement it is frequently so difficult to discover.

In making this Report, Your Committee would beg leave to recommend that the several Public Statutes which bear upon Municipal matters, shall be arranged and published together in pamphlet form,--a boon which the Municipalities (sic) would gladly accept, and which Your Committee are convinced will be received with greatest satisfaction by the public at large.

Ordered, That the said Bill and Report be committed to a Committee of the whole House for Monday next, and be then the first Order of the day.

The Honorable Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill from the Legislative Council, intituled, "An Act to amend the Act incorporating the Montreal Telegraph Company,"

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and have agreed to an Amendment thereto, which they submit for the adoption of Your Honorable House.

On motion of MR. HOLTON¹,

(895)

Ordered, That the Bill from the Legislative Council, intituled, "An Act to amend the Act incorporating the Montreal Telegraph Company," as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Thursday next.

Mr. Freeman reported from the Select Committee on the Bill to extend the Jurisdiction of the Division Courts in Upper Canada, and other references, that the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Monday next.

Ordered, That Mr. Macbeth have leave to bring in a Bill to authorize the Agricultural Societies of the Counties of Middlesex and Elgin to dispose of a certain Tract of Land therein mentioned, and for other purposes relative to the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Gill have leave to bring in a Bill to amend the Acts amending the Law relative to the Courts of Original Civil Jurisdiction in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. AT. GEN. DRUMMOND introduced bills to amend the Parliamentary Representation Act of 1853². He thought it desirable, too, inasmuch as these divisions were all to have separate county offices, &c., that each should have a separate name instead of, as now in several instances, being designated as ridings.³

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Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to amend the Parliamentary Representation Act of 1853.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to amend the Laws relating to the inspection of Potash.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

MR. BROWN ((asked a question.))⁴

MR. INSP. GEN. CAYLEY said that the Government would shortly inform the House of the data upon the basis of which commutation may be effected in accordance with the Clergy Reserve Act.⁵

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Mr. Terrill moved, seconded by Mr. Dufresne, and the Question being put, That the 67th Rule of this House be suspended in so far as the same affects the Bill to incorporate the Saint Francis Bank; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Aikins, Bell, Bellingham, Biggar, Blanchet, Bowes, Bureau, Burton, Cartier, Casault, Cauchon, Chauveau, Christie, Clarke, Daly, Jean B. Daoust, Desaulniers, DeWitt, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Fergusson, Foley, Octave C. Fortier, Fournier, Frazer, Gill, Gould, Guévremont, Huot, Jackson, Jobin, Labelle, Laporte, Lemieux, Macbeth, Roderick McDonald, Marchildon, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, O'Farrell, Patrick, Poulin, Pouliot, Prévost, Rankin, Rhodes, Robinson, Rolph, Solicitor General Ross, Sanborn, Scatcherd, Shaw, Somerville, Stevenson, Terrill, Thibaudeau, Turcotte, Whitney, Wright, and Yeilding.--(66.)

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Messieurs Brown, Cameron, Cayley, Chabot, Crysler, Jean B.E. Dorion, Antoine A. Dorion, Galt, Gamble, Hartman, Hincks, Holton, Langton, Lumsden, John S. Macdonald, Attorney General Macdonald, Sir A.N. MacNab, McCann, Matheson, Mattice, Merritt, Munro, Papin, Powell, Solicitor General Smith, James Smith, Spence, and Young.--(28.)

So it was resolved in the Affirmative.

Mr. Brown moved, seconded by the Honorable John Sandfield Macdonald, and the Question being proposed, That the following Petitions, praying the House to adopt measures to prevent the exercise of the power given to Government, under the Clergy Reserves Act, of paying to the Clergy at once, in one sum, what the Government may deem to be the present value of the Pensions secured under the said Act, be referred to a Committee of seven Members, with an Instruction to enquire and report forthwith the best and most speedy manner of carrying into effect the prayer of the Petitioners, and preventing commutation:--

Reverend W. Dunkerly, Durham, Drummond;⁶
James Smith and others, County of Lanark;
J.B. Powell and others, County of Leeds;
Peter Cole and others, do do
W.B. Whittier, and others, County of Prince Edward;
Daniel Macfie and others;
John A. Sangster and others, York and Ontario;
W.J. Alexander and others, County of Drummond;
H.S. Huber and others, County of Waterloo;
Reverend James Pringle and others, Connty (sic) of Peel;
John Watson and others, do do
Patrick McCabe and others, Township of Wickham;
James Osborne and others, City of Hamilton;
Reverend A. Cross and others, County of Oxford;
J. Martin and others, County of Halton;
Reverend A. Melville and others, Township of Pembroke;
P. Rymal and others, County of Wentworth;
W. Allan and others, County of Peel;
J. Macartney and others, do;

A. McLaren and others, Township of Caledon;
R.W. Copeland and others, County of Peel;
A. Rose and others, County of Peterborough;
J. Coutts and others, County of Ontario;
G. White and others, do do;
Reverend J.M. Fenwick, City of Kingston;
J. Cockburn and others;
Reverend J. McLachlan and others, County of Halton;
Reverend J.W. Constable and others, County of Argenteuil;
Reverend Walter Scott and others, do do;

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John Snell and others, County of Peel;
Thomas Webster and others, City of Hamilton;
James McQueen and others, Township of Pilkington;
John Craig and others, County of Waterloo;
Alexander Buchanan and others, do;
Graham Watson and others, do;
John B. Snyder and others, do;
Wm. Woodruff and others, Township of Niagara;
Adam Young and others, County of Welland;
John Stark and others, do do;
Jacob L. Dell and others, do do;
W. Wilkins and others, do do;
Jesse Henry and others, do do;
W. Henderson and others, do do;
Liberty Watrous and others, County of Leeds;
S. Falconbridge and others, County of Wellington;
Reverend H. Dockham and others, County of York;
Robert Lambert, senior, and others, County of Lincoln;
Jacob Turner and others, County of Haldimand;
Romulus B. Cook and others, County of Ontario;
Joel Draper, senior, and others, Counties of York and Peel;
Alpheus Davis and others, do do;
W. Hilborn and others, do do;
Henry Pearson and others, County of Peel;
James McGuire and others, do do;
Reverend D.B. Merry and others, do;
Orange Lawrence and others, do do;
F. Silverthorn and others, do do;
Thomas Sharp and others, do do;
Peter Rogers and others, do do;
John Dowe and others, County of Carleton;
Reverend John G. Bull and others, County of Prince Edward;
S. Stewart and others, County of Frontenac;
John Fanshan and others, Township of Dawn;
Alfred Scarlett and others, do do;
James Nelson and others, County of Lambton;
Jacob Rymal and others, County of Wentworth;
Municipality of the Township of M'Nab, County of Renfrew;
Archaleess Ellis and others, County of Lambton;
S. McCutcheon and others, Township of Vaughan;

Reverend W. Lohead and others, County of Carleton;
Henry McKenny and others, County of Essex;
Adam L. Argo and others, County of Wellington;
A.G. Hall and others, County of Lanark;
Adam Ferrie, junior, and others, City of Hamilton;
A. Bigelow and others, do do;
Reverend W.J. Macdowell and others, County of Grenville;
Alexander Reid and others, County of Welland;
J.G. Spencer and others, do do;
John Klein and others, County of Waterloo;
Alexander McBride and others, County of Elgin;
Robert Paterson and others, County of Grey;
J. Pilcher and others, County of Elgin;
Reverend David Coutts and others, County of Peel;
Thomas McIlroy and others, do do;

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John Ross and others, Townships of Tuckersmith and Stanley;
John Anderson and others, County of Wellington;
P.D. Bisset and others, County of Elgin;
Jacob Upper and others, County of Lincoln;
Joseph Wood and others, Township of Eramosa;
James Peters and others, do do;
Thomas Armstrong and others, do;
Robert Scott and others, do do;
J.P. Plank and others, County of Ontario;
William Osborne and others, County of Waterloo;
Robert Wyllie and others, Township of North Dumfries;
John Watson and others, County of Waterloo;
William Tilt and others, do do;
Jacob Current and others, County of Welland;
Municipality of the Township of Willoughby;
H.B. Bowman and others, County of Waterloo;
John A. Macfie and others, do do;
Alexander Buchanan and others, do;
James DeWitt and others, Port Royal;
John A. Stearns and others, County of Norfolk;
S.P. Maybee and others, Township of Walsingham;
Luke Cook and others, Township of Middleton;
W. McClellan and others, do;
Joseph Carden and others, County of Wellington;
George Robb and others, County of Elgin;
James Brown and others, Township of Fullerton;
Kenneth Murchison and others, Township of Fenelon;
Hosea Baker and others, County of Elgin;
William Clements and others, County of Middlesex;
William Marsh and others, Township of Dorchester;
John Mason and others, County of Elgin;
Reverend John Corbett and others, County of Ottawa;
D.W. Rowland and others, County of Elgin;
Alexander Ross, junior, and others, Township of Eldon;
James McIntyre and others, County of Renfrew;

O.G. Collemore and others, Township of Sombra;
John Brierly and others, County of Middlesex;
Andrew Hossie, Senior, and others, Township of Moore;
John Graham and others, County of Huntingdon;
James Reid and others, Township of Sombra;
John McGregor and others, County of Kent;
James J. Teeple and others, County of Elgin;
John Watson, A.M., and others, County of Huntingdon;
James Gordon and others, County of Huron;
Reverend W. Graham and others, do;
Archibald Dickson and others, do;
A. Pritchard and others, County of Ottawa;
Duncan S. McLaren and others, County of Lambton;
John McKay and others, County of Grey;
Robert Gibbons and others, County of Goderich;
John Palmer and others, Township of Sombra;
Reverend Matthew Bar and others, Township of McKillop;
Thomas Falconer and others, County of Peel;
Robert Blackwood and others, County of Elgin;
D. McPherson and others, do do;

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R.H. Travers and others, County of Elgin;
J. Hyde, M.D., and others, County of Perth;
James H. Dunsmore and others;
Alexander Grant and others, County of Perth;
Philip Bogart and others, County of York;
Thomas Playter and others, West Riding, County of York;
James Kavanagh and others, County of York;
George Hughes and others, do do;
W.W. Walker and others, County of Peel;
Thomas Henry, M.D., and others, County of Peel;
William Ward and others, do do;
Samuel G. Ogden and others, do do;
John Watson and others, do do;
W. McDonald and others, do do;
T. Baxter and others, County of Halton;
John Heslop and others, County of Wentworth;
John Barber and others, County of Norfolk;
Hugh Matheson and others, County of Bruce;
John McIntosh and others, Townships of Arthur and Garafraxa;
John L. Shell and others, Township of Markham;
Joseph Burrows and others, Counties of Brant and Waterloo;
William Bethune and others, Township of Walpole;
Horace Capron and others, County of Brant;
David Smellie and others, Townships of Vaughan and York;
John Doner, junior, and others, Township of Markham;
John Kerk, M.D., and others, County of Haldimand;
Jacob Williams and others, Township of Markham;
John McKenzie and others, do do;
James Burgess and others, County of York;
G.M. Butchart and others, County of Grey;

Samuel Pearson and others, County of York;
Benjamin Lessard and others;
Reverend Thomas Wightman and others, County of York;
John Jackson and others, do do;
Henry Disher and others, County of Lincoln;
Henry Kalar and others, County of Welland;
Duncan McFarland and others, do;
George Hislop and others, County of Waterloo;
Charles McMillan and others, County of Wellington;
George Bryce and others, County of Brant;
Joseph W. Stone and others, Township of Walsingham;
Robert Gillespie and others, County of Brant;
Reverend Elijah Clark and others, do;
Reverend T.L. Davidson and others, Town of Brantford;
William Muir and others, Township of Scarborough;
John C. Burr and others, Township of Markham;
Nathaniel Lamson and others, County of Norfolk;
John McDonald and others, Township of East Nissouri;
Murdoch McLeod and others, Township of Kincardine;
John McLean and others, Township of Bruce;
William Ross and others, County of Lincoln;
George Lunan and others, Township of Collingwood;
William Purdy and others, County of Lincoln;
Matthew Gill and others, County of Haldimand;
William Hume, M.D., and others, do;

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Donald Campbell and others, County of Haldimand;
Benjamin Grant and others, County of Perth;
A. Parish and others, County of Leeds;
Thomas Hayes and others, South Riding, County of Leeds;
William Spiers and others, County of Peel;
Joseph Figg and others, do do;
John Vodden and others, do do;
James Haggart and others, do do;
C.C. Smith and others, Township of South Dumfries;
J.B. Bowman and others, County of Waterloo;
Andrew Thompson and others, County of Norfolk;
Walter Dalziel and others, County of York;
Allan Willcox and others, County of Peel;
Edward Bristow and others, County of Waterloo;
Thomas Anderson and others, County of Wellington;
James Stock and others, do do;
Reverend George Patten and others, Township of Blenheim;
Reverend David Curry and others, County of Oxford;
James Wilkie and others, County of Wellington;
James Walker and others, Township of McKillop;
John Gowans and others, County of Haldimand;
Reverend A.F. Macauley and others, Township of Nasagaweya;
Peter Read and others, do do;
Daniel McLeary and others, Township of Moore;
William Heron and others, North-west Section, Township of Whitby;

Samuel Smith and others, Township of Moore;
William Dunbar and others, County of Ontario;
Reverend Peter Gray and others, County of Lanark;
Robert Cameron and others, Township of East Nissouri;
John Bowls and others, County of Sombra;
Solomon P. Hicks and others, do;
Henry Hall and others, Township of Binbrook;
Donald McPhare and others, Township of Bruce;
John Brown, senior, and others, County of Wentworth;
J.A. Ironside and others, County of Wellington;
R. Edmondson and others, Town of Brockville;
John Ferry and others, County of York;
D. Hoggard and others, County of Peel;
Robert Reid and others, County of Bruce;
John Bingelman and others, Township of Rainham;
James Kent and others, do do;
George Brodie, senior, and others, Township of Markham;
Robert Bruce and others, County of York;
David A. Robertson and others, County of Perth;
Uriah Corlis and others, Township of Townsend;
Gideon Shepard and others, City of Hamilton;
Robert McNair and others, Township of Vaughan;
William Jones and others, Township of Rainham;
James Foster and others, County of Wentworth;
John Austin and others, County of Simcoe;
William Gilroy and others, Township of Whitchurch;
James Walker and others, County of Norfolk;
David Reist and others, County of Waterloo;
Andrew Lightbody and others, County of Wellington;
T.J.S. Nevils and others, County of Waterloo;

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George Thomson and others, County of Waterloo;
James Davis and others, County of York;
John Wells and others, do do;
Henry Stewart and others, do do;
John Bamberger and others, County of South Wentworth;
Donald Black and others, County of Wellington;
F.H. Ward and others, County of Middlesex;
James McLean and others, County of York;
Charles Hedgers and others, County of West Brant;
The Session of Chalmer's Church, Kingston;
Reverend William Fraser and others, Township of West Gwillimbury and Zorra;
James Spittal and others, Counties of Wentworth and Halton;
Reverend S. Harris and others, Township of Sarnia;
G. Cheyne and others, County of Wentworth;
J.R. Lamoureux and others, County of Huntingdon;
William Nicol and others, County of York;
John Scott and others, Village of Napanee;
William Johnston and others, County of Peel;
P. Smith and others, County of Waterloo;

M. Collver and others, Township of Townsend;
O.M. Smith and others, Township of Charlotteville;
Justus H. Ford and others;
Samuel Johnson and others, County of York;
John Hayward and others, County of Wentworth;
Richard Irwin and others, County of Middlesex;
Joseph Leeming and others, County of Grenville;
Reverend David Caw and others, Village of Paris;
Alexander Munro and others, County of Middlesex;
Adam Hope and others, City of London;
Elijah Price and others, County of Elgin;
J. Glendinning and others, Township of Westminster;
Allan Moore and others, County of Elgin;
Henry Moore and others, do do;
J. Smith and others, do do;
Levi Baldwin and others, do do;
William Beattie and others, Township of Westminster;
George Johnston and others, County of Argenteuil;
David Parish and others, County of Elgin;
Malcolm McGillivray and others, County of Glengarry;
John Grant and others;
William James and others;
Whitson C. Moore and others, County of Welland;
James Gilmore and others, do do;
Arthur Johnston and others, do do;
Orange Schyres and others, do do;
Malcolm Gillespie and others, County of Ontario.

MR. BROWN said--I am sure, Mr. Speaker, it will be unnecessary that I should detain the House by introducing this motion. Hon. gentlemen will recollect that about four weeks ago we had a debate on this subject. The feeling expressed on that occasion by Hon. Members from Upper Canada on this side of the House was, that if we could get the Commutation Clause struck out of the Clergy Reserve Act,--if we could get the Government to act upon that part of the Bill which continued the pensions of the Incumbents during their lives, and to refuse to commute with the Incumbents, we would waive all further opposition to the measure, and look upon it as a finality, that the question might be removed forever from the political arena. (Hear, hear.) This was the feeling with which hon. gentlemen on this side returned to the House after the recess (Hear, hear.) and this was the view with which we proposed an address to the Governor General praying that, in exercising the option which the Bill gave him of either continuing the pensions or commuting in one sum, that he would choose to continue the pensions. We obtained a large vote in favour of our proposition. But during the debate, the great argument brought against us was this--the country is very well satisfied with the Bill as it stands--the country desires that commutation should be carried out--you have not a single petition against commutation, although no doubt if you could have got the people to petition you would have done so--if you had felt that public opinion was with you, you would have agitated and called public meetings all over the country. Such was the great argument with which we were met, and especially did we hear this from the hon. member for Wentworth (Mr. Spence.) That hon. gentleman told us repeatedly that the result of the election in this country was decidedly in favour of commutation, and that public opinion throughout the country was on the same side. Our

answer was that if we had wished to get up an agitation, we would have found no difficulty in doing so, there being a stronger feeling on this subject of commutation, than there had been on any other for many years past. (Hear, hear.) But we felt that, if we agitated the country during the recess, Government would have taken time by the forelock, and that when we returned in February we would have found the whole thing settled. (Hear, hear.) To have raised an agitation would only have been to give them warning to close the door upon us before we had time to discuss the matter. We felt confident that after the recess we would obtain a stronger vote than we had before; and we thought that the best course was to wait till we could get a deliberate expression of opinion from the House, free from the influence of those considerations which actuated many of the members before the recess. (Hear, hear.) The debate having taken place, and challenge being thrown down to us, we readily took it up, and appealed to the Upper Province for petitions. We told our constituents--if you are really opposed to commutation, say so. It is now only four weeks since that took place. Every one knows the state in which the roads have been and the difficulty of correspondence and of passing from one place to another. But in these four weeks over 300 petitions have been presented, signed by nearly 25,000 of the people of Upper Canada. (Hear, hear.) And more are coming. We know that many more petitions are signed and on the way, and that others are still in circulation. In the county represented by the Postmaster General (North Wentworth) in which he declared his election was a triumphant decision against commutation. My hon. friend from the South Riding (Mr. Freeman) has already presented petitions from that county signed by 710 persons, upwards of 650 of these being Electors (Hear, hear.) When the Postmaster General was elected, there were but 750 votes polled altogether, the hon. gentleman himself polling about 500 of them. I believe that attached to the petitions will be found the names of an immense majority of the whole Electors of Wentworth. (Hear, hear.) The feeling of indignation in Upper Canada has been very strong, ever since it has been understood that it is the intention of the Government to commute nominally with individuals but in reality with the churches. It is true, the government papers proceed on the basis of individual commutation, but only with the consent of the church bodies, and as the bodies refuse their consent unless the commutation is effected for the benefit of the Churches themselves, it becomes in fact a commutation with the bodies. The feeling has been produced in Upper Canada that if the government scheme is proceeded with a greater evil will be created than that which the Bill professes to remove and for this reason that the churches will have the property entirely under their own control, without any check as heretofore being exercised by the Legislature. (Hear, hear.) It has been said, I believe truly, that the system of commutation on which the Government intend to proceed will give the Church of England something like 270,000L. I believe that according to a calculation made from official tables that church would not be entitled to any such sum. But the Government have kept us very much in the dark and in ignorance of the conditions on which they are to commute. I trust that it is still possible to prevent this evil. I am sure that any one who has read the organs of public opinion in Upper Canada must come to the conclusion that there has been a stronger feeling of opposition to the Commutation scheme, than has been manifested on any other subject for years. (Hear, hear.) And any doubt that might remain must give way before the petitions now crowding our table. After having examined them narrowly, I feel justified in saying that I have never seen petitions on any subject signed by men of greater influence and showing a more unanimous feeling among the masses, of Upper Canada. (Hear, hear.)⁷

There never was a more unanimous expression of opinion on any subject, except the Maine Law.⁸ We cannot but feel that the people are looking to us in the hope that we will endeavour to do something to stop this evil. What is the use of pretending to do away with endowments of churches by the State when we give them the endowments into their own hands, without any check or control over them on our part? The direct connection between church and State may be dissolved but what signifies that if the practical evil remains? Do you not give money into the hands of the churchmen and build up Endowed Churches with the public money? (Hear, hear.) And if so, are you not perpetuating the practical evil which existed under the old system? The favoured churches are to get much more than was ever contemplated by the Imperial Act, under it certain annual Stipends were to be paid to certain clergymen during their lives, but instead of that the churches are to receive an endowment in perpetuity out of the public funds. (Hear, hear.) With these remarks I leave the question in the hands of the House. I am sure the country will look with very great anxiety to the decision we shall give, and if the Committee is appointed and Commutation prevented, I am convinced that the result will be hailed with the greatest satisfaction throughout Upper Canada and a large part of Lower Canada. Nothing in this country has ever produced the excitement and agitation which such questions as this have entailed and if we now select certain favoured churches, give them the public mouey (sic), and erect them into endowed bodies, we shall only be perpetuating the evil which in times past has been so fertile a source (sic) of discord and embittered feelings. (Hear, hear.)⁹

MR. AT. GEN. J.A. MACDONALD said that the question of the Clergy Reserves had been for many years the stalking horse of disappointed politicians. Whenever a public man got disappointed in his prospects and dissatisfied with his political position, he endeavoured to elevate himself by practising on the public credulity, and availing himself of this question. The Government had approached the question with an anxious desire to settle it for ever, and in this they had expected the assistance of the hon. member for Lambton. Instead of that they now found him endeavouring again to unsettle it. And they had the more reason to be surprised at this, when they knew that that hon. gentleman, or at least the Press he controlled, had at one period advocated the scheme now being carried out by the Government, and had pressed it on the adoption of those favoured churches.¹⁰

MR. BROWN.--I have twice denied in the House that that is the case, and I think it very unfair and quite unparliamentary in the hon. gentlemen (sic) to repeat such a statement. I never had the slightest intention of advocating such a scheme, and the newspaper article referred to was grossly misrepresented (Hear, hear.)¹¹

MR. AT. GEN. J.A. MACDONALD persisted in the statement, and proceeded to read some portions of an article from the Globe of last July, giving a comparative view of the amounts that would be received by the Clergy of the Church of England under the Division and Secularization schemes, by shewing what their values respectively would be if funded for 20 years, but having no bearing whatever on the question of commutation, a thing that never was mooted till the present Government assumed office. The hon. gentleman then proceeded to read the heading which had been left attached to some of the petitions presented, and made some bantering remarks on the injunction it contained to the petitioners

to allow the franking privileges of the members they sent them to, to cover the postage. He had a great respect, he said, for the right of petition, but those petitioners had come too late, the commutation having already been effected to a very large extent. Nor did he look upon them as shewing the opinion of the people, deliberately, calmly and voluntarily expressed. It was well known that in every locality there were people opposed to commutation. Just as in this House there was a respectable minority against the commutation clause, so also in the country there was a minority against it. He easily understood how those petitions had been got up. The hon. member for Lambton having failed in all his other means of attack on the deliberate resolution of the majority of the House, every other weapon having broken in his hands, he looked round for something else to furnish ammunition for one other last expiring shot. He therefore sat down at his desk, wrote out the petition, sent it up to the Globe to be printed, and got returned to him a large parcel of printed petitions. The hon. gentleman then went round among all his friends asking each of them--give me the name of a man in your county sound on the Clergy Reserves. The hon. gentleman thus got a list, and sent out the petitions, which came back to this House signed, the Rev. Mr. This getting some of his congregation to sign them in one place, and the Rev. Mr. That acting as agent for the member for Lambton in another place. Was this to be considered a voluntary expression of public opinion? And what good would the submitting these petitions to a committee do? The law was passed, the law should be carried out, the law had been in a great measure carried out already. A great many clergymen had been commuted with under this Bill, and the remainder would also be commuted with. If there had been any real, substantial feeling among the people that the country was to suffer a great wrong by the commutation clause, it was not those petitions worked up in that way, that would have satisfied the people of Canada. They knew how the people had acted on former occasions when fully roused. Every municipality would have held an indignation meeting; every little hamlet would have had its assemblage, to protest against commutation. The whole movement had been worked up by the hon. member for Lambton, and he had reason to be proud of it, because it was an exhibition of his strength and standing in the country. But as an expression of public opinion, it was simply an expression of a small minority of the people of Upper Canada, who would deprive the churches of anything and everything. It was a wretched attempt in point of numbers, (oh, oh!) it was a wretched attempt in the mode of getting it up, and it would be a wretched attempt also as regarded its conclusion. The hon. gentleman said that the indignation of the country was roused, when it was found out that commutation was to be with the clergy as a body. But the people of Upper Canada were just as well acquainted with the Bill before the adjournment as they were now. The Bill was printed in every newspaper, was discussed by every newspaper, and was familiar to every one who had the slightest interest in the subject. Before the Bill passed, it was announced in the house that the commutation must be with the individual clergyman, because the individual clergyman has a certain vested right recognized and secured to him by the Imperial Act. But it was announced also that he must get the consent of the religious body to which he belonged, as a security that he should not leave his incumbency after receiving his commutation. And in no case had there been commutation except with individual clergymen, and all the Government asked them was whether they had satisfied their church that they would not abandon their incumbency when they got the money. The Government never asked them what they were to do with the money, whether they were to build churches or mills or anything else with it--all that was necessary was the consent of their church.

That provision was put in the Bill.--No doubt it ... was objected to in the House, being one of the many points on which a vote was taken during the progress of the Bill. Every body knew what was the intention of the law, for it spoke in a manner that could not be misunderstood. Clergymen of all the bodies entitled had applied, and been commuted with, except the Methodists whose governing body was in England. Some of the Clergy of the Church of England would not commute, and some of the Clergy of the Church of Scotland would not. Some of the United Synod who were voluntaries had applied, and application had been made on behalf of the Roman Catholics. The commutation was thus in a state of progress that no practical good could arise from submitting the petitions to a committee. And he could not believe that the House would stultify itself so far as to appoint a committee to decide whether the Legislature did right in passing a particular law a few months ago. The whole movement was an attempt of the hon. member for Lambton to reawaken an agitation which the Government, thanks to this House and to the country, were proud to think they had settled for ever. In a month or two every clergyman would be paid off, and the question would be for ever beyond discussion. Whatever questions might in future be discussed, this of the Clergy Reserves, which had involved so much of religious prejudice, and stormy feelings, would not be one of them.¹²

MR. LANGTON said he was one of those who took an active part in the opposition to the commutation clause in the early part of this session, although perhaps he had not the same objection to the principle of commutation as the honorable member for Lambton. He did not believe there would be any positive injury done to the country by a part of the money being applied to an endowment. But the principal reason why he opposed the commutation clause, was the latitude it gave to the government, enabling them if they were so inclined to favor one party perhaps more than another. He did not believe himself that they would do so, but he felt that in the country there would be a doubt whether the commutation had been equitably carried out or not. The clause, however, was carried, and after he had done his best to enforce his opinion, having been beaten¹³ ((OR)) fairly beaten,¹⁴ he was prepared to yield to the will of the majority. Before he came down to Quebec, he saw the notice given by the honorable member for Lambton to move an address to his Excellency, requesting him not to exercise the power which the law gave him to carry out commutation. He could not say how he would have voted on that motion. Had he been here, he would probably have voted against it, believing that there would be no good end served by renewing the contest. Before he left home he received a deputation of a large number of gentlemen, who were strongly opposed to the commutation clause, requesting him to support the honorable gentleman's motion. He replied, that they must leave him to exercise his own discretion--that if he thought there was any possibility of doing anything to stop commutation he would certainly do it, but if there was no chance of stopping it, he thought it useless to renew the discussion. Many of the gentlemen he referred to seemed satisfied with that reply. He remained of that opinion after he came down here, and had seen nothing to induce him to change it, until the day when the Inspector General laid on the table of the House two papers, relating to the method in which he proposed to carry out commutation. The moment he saw those papers, he was convinced that the value of the annuities was calculated on entirely erroneous principles (Hear, hear.) He perceived that the error would make a very material difference in the amount which would have to be paid, and he explained it to the honorable gentleman and nearly all of his colleagues. Having done so, without inducing them to alter

the principle on which they proceeded, he now thought it necessary to bring the matter under the notice of the House. (Hear, hear.) He believed there could not be a doubt to any one who looked into it, that the value of the annuities had been calculated on an erroneous principle. At the same time it appeared from what they had just heard from the Attorney General, that the commutation to a large extent had actually taken place. He acknowledged there was a difficulty in doing anything to correct the mistake, now that the money had actually been paid, and whether it was now possible to recover the money which had been paid erroneously, he was not called upon to pronounce. But the effect which his knowledge of the very important difference it made in the amount of commutation would have on his vote this evening would depend very much on what the government might say on the subject, now that it was brought before the House. The principle was entirely erroneous, and one on which the value of annuities had never before been computed. (Hear, hear.) It was one which must necessarily lead to a false result, and a very false result.¹⁵ The Government tables had been founded on the Carlisle tables.¹⁶ If they took a man 25 years of age, his expectation of life, according to the table of the Inspector General, was $37\frac{3}{4}$ years, and an annuity for $37\frac{3}{4}$ years would be worth $14\frac{3}{4}$ year's purchase. But that was not in reality the value of an annuity (sic) on the life of a man who had what is called the expectation of living $37\frac{3}{4}$ years. When it was said that a man's expectation of life was $37\frac{3}{4}$ years, it was not meant that he would live exactly that period; what was meant was, that taking a large number of men 25 years old, some would live longer than $37\frac{3}{4}$ years, and some shorter, but that that was the average. But as the value of a sum payable in a successive number of years was constantly decreasing, the value of two annuities, one for ten years less and one for ten years more than the average was not the same thing as that of two annuities for the average. From the nature of the calculation it followed that the value of a number of annuities for the exact average must always be greater than the sum of the values of the same number of annuities of various lengths but maintaining the same average. It was not easy to explain a mathematical question of this kind to the House, but he would state the results, by giving one or two illustrations. A man of 25 had an expectation of life of $37\frac{3}{4}$ years, and the value of an annuity for $37\frac{3}{4}$ years was $14\frac{3}{4}$ year's purchase, the figure given in the Inspector General's tables. But the value of an annuity on a man's life who was twenty-five years of age, was only $13\frac{1}{2}$ years purchase, making a difference of upwards of 10 per cent on the amount given him. The difference is still greater, as the age increased. If they took a man of 50 with the expectation of living 21 years, the value of the annuity for that period was $11\frac{3}{4}$ years purchase, but the real value was only $10\frac{1}{2}$ years purchase, making a difference of nearly 11 per cent. On higher ages the difference would be as much as 15 per cent. (Hear, hear.) The effect of this erroneous principle having entered into the calculations would be that 25,000L or 30,000L would be paid to the Church of England more than its clergy were entitled to. (Hear, hear.) He was not prepared to suggest any course by which the difficulty was to be got over, in consequence of most of the money having been actually paid. But the fact of the difficulty having arisen convinced him the more that it would have been a wise course had the Government adopted the suggestion he made in the early part of the session, that before actually proceeding to commute they should lay on the table of the House the data on which they meant to proceed. (Hear, hear.) At the same time he felt it right to say that the principle adopted by the Inspector General was at first sight the easiest and most natural course. It was so natural to suppose that the value of an annuity for

a man whose expectation of life was 25 years was the same as that of an annuity for 25 years, that he was not surprised the Inspector General (sic) should have gone wrong. So much was this the case, that when he commenced to make some calculations as to the effect of the Act, it was the principle which first occurred to himself, and he had gone a certain length before he discovered the mistake.¹⁷

MR. INSP. GEN. CAYLEY said he was not prepared to admit in toto the accuracy of the calculations of the honourable member for Peterborough. But even if he were correct, it was the expression in the Act itself, that the commutation should be calculated according to the probable value of the clergyman's life. It might have been a wrong principle to go upon, but it was the principle laid down in the Act itself, and the Government had no other alternative than to carry out the Act as it passed. The Government, he conceived, would have been justified in taking a more extreme table of calculations than they had done, as in England no lives were considered by assurance companies as superior in longevity to those of clergymen. The honourable member for Lambton had spoken as if the Government should have waited for some further expression of opinion before carrying out commutation, that they should have brought down their tables to the House before acting upon them. That conflicted with the honourable gentleman's other statement that he was afraid of getting up an expression of public indignation during the recess, lest the Government should hurry the matter through. The honourable member for Peterborough used the same expression, that he told his constituents he would try to stop commutation if he was in time. The Government not long ago was blamed for delay in sending over the 20,000L to the Patriotic Fund. What right, it was asked, had the Government to delay two or three weeks in that case? And yet they would have had them delay carrying out this Act for several months. He thought that this was unreasonable, and that the moment a clergyman came for his commutation, having complied with the provisions of the Act, the Government had no right to refuse it for an hour.¹⁸

MR. SHAW, to show that public opinion was not so strong as had been represented, read from a letter he had received from a Free Church minister in his county, that he had received from Mr. Brown a number of petitions for signature¹⁹: "That atrocious Commutation Clause is going to play the mischief with our great Reserve Bill. I had a batch of petition forms from Brown--against it of course--but even Squire R--, (a noted and zealous Secularizationist) "protests he is tired of agitation on this subject."²⁰ They would have to be kept in reserve for better times.²¹

MR. BROWN enquired who was the Free Church minister referred to?²²

MR. SHAW did not think it would be fair to name him.²³

MR. LARWILL thought, if the honourable member for Lambton had forwarded the petitions to him, he ought to know who he was.²⁴

MR. HINCKS said that, having been absent on the occasion of the last discussion of this question, he was anxious not to lose the present opportunity of expressing the views which he entertained on the renewed agitation which had been kept up on the subject of the commutation clause.²⁵ ((He)) did not think the number of names attached to the petitions very large, considering the urgent

appeal that had been made to the country. From all the information he had received, he believed that in all parts of the country, the attempt to get up an agitation had been a complete failure. He had not a doubt that the party in the country against commutation was less than the party which supported it. It was well known that he (Mr. H.) was the advocate of a measure which contemplated an entirely different mode of dealing with the question. He would have much preferred that the capital of the Clergy Reserve Fund had not been distributed among the municipalities, but that it should be preserved, and that the stipends should be paid to the incumbents during their lives, and at their death fall into the rest of the fund. But the very party now agitating so strongly against the commutation clause, entirely opposed his bill. The very papers now complaining of the bill of the Attorney General were loud in their denunciations of his (Mr. H.'s) Bill, and insisted that a different course should be taken, and that the Clergy Reserve Fund should be entirely got rid of. The present Government seeing the strong opinion thus expressed, that the capital itself should be distributed, and the whole fund got rid of, took that course, and were attacked for it by the very same parties who had attacked his Bill. The principle of commutation was sustained by the House when the Bill was under discussion, and for his own part he was not able to discover what cause of complaint existed to that clause.²⁶ It was indisputable, that, when the principle of respecting the life interests of incumbents was admitted, those incumbents had interests the value of which could be easily ascertained at any Life Assurance Office. It was a matter of convenience for the Province to commute with these annuitants on equitable terms, but great complaint was made because these parties thought proper to dispose of their own money in a manner which was unsatisfactory to hon. gentlemen opposite.²⁷ He did not know if the member for Lambton went so far as to say that there should be no organization of religious bodies for the sustentation of their clergy. There could surely be no objection to that principle, for not a religious denomination existed without adopting it. They had all heard of the Grand Sustentation Scheme of the Free Church of Scotland, which enabled the wealthier members to support the poorer congregations throughout the country. He believed the same principle was carried out in the Methodist Church and other Dissenting bodies in England. He could not conceive how any objection could be raised to that. The opposition made to various Corporation Acts had been entirely and exclusively to the locking up of land, but in the Clergy Reserve Bill care was taken that that should not occur, because the parties commuting were expressly prohibited from locking up the money they received in land. The whole objection then was, that there was going to be an endowment for the Church of England and the Church of Scotland. But who gave that endowment? Was it the people of Canada or the Legislature? Most unquestionably no. It was those clergymen who gave it from the funds which they themselves were entitled to give it from. And he must say it was a step on their part which ought to command the admiration of every man in the community, instead of its having been assailed as it had been. He considered it an act of the greatest munificence and generosity on the part of those clergymen, thus to place themselves at the mercy of the Church Society, and having no other security for their future incomes, after they had given up their commutation money. The hon. gentleman then proceeded to argue that, if the public mind had really felt deeply on the question, public meetings would have been held and petitions got up during the recess, notwithstanding the efforts of the hon. member for Lambton and others to keep down agitation, lest the Government should take warning and hurry through commutation, before the House re-assembled.--²⁸ The fact was that that now

referred to and evidenced by these petitions, was got up by some half a dozen members of that House; it did not spring from the people themselves. All these petitions, with very few exceptions, were in the precise form sent out by those members. And what was the outcry about? The position taken, as he understood it, by the bodies of Christians called Dissenters in England, was that they objected to state endowments of religion, and to the different religious denominations holding large quantities of land or other real estate, thereby keeping them out of the market. He never understood them to object to the raising of a fund for the sustenance of their own clergy by any religious denomination; and a scheme for a grand sustentation fund had been set on foot in the Free Church itself. Here there was no state endowment--no connection between church and state--no right to lock up lands in mortmain. This money--the proceeds of the stipends granted to them--was the property of the clergymen of the Churches of England and Scotland, and there could be no objection to their treating it in such a manner as they chose. For his part, he thought this act of funding it one which did infinite credit to those clergymen. No power could compel them to do so; but it was a munificent free gift on their part to the cause of the religion they loved, taking only the security of the Church Society, &c., for the payment of stipends previously secured by the Government itself. The basis on which the commutation was to be carried out was objected to by the honble. member for Peterboro; but he understood from the hon. Inspector General that his calculations were based on the Carlisle tables, a recognised authority. Even if the clergy got ten, fifteen, or twenty per cent more than they were strictly entitled to by a slight error in the calculation, he did not look upon that as a serious evil, or that it was at all desirable to raise that question now when a portion of the commutations were already effected. The great object with them all should be to set this question at rest forever. A few thousand pounds more or less paid out was of comparatively little importance. The principle involved was the great thing, and it was one which could be defended. The agitation--such as it was--now being raised against it, resulted from the case being unfairly stated to the people. He was sorry to see an obstinate continuance of agitation after the decisive votes already given on the subject, and he should vote against the motion before the House as tending to re-open the question, or any attempt of a similar nature.²⁹

MR. LANGTON wished to say a few words in reply to the Inspector-General. The Inspector-General used two arguments in favor of the method of calculation he had adopted. The one was, that it was, after all, a correct method; and the other, that, if incorrect, it was sanctioned by the Act. In regard to the question whether it was a correct mode of calculation, he did not think this House was the place where he could state his argument clearly, as it was almost impossible to translate into common language anything of the nature of a mathematical argument. But he appealed simply to the fact that all the tables of annuities that ever had been published, favored his view. (Hear, hear.) He had no hesitation in saying that they could not find one table of annuities ever given to the world, that was calculated on the same principle as that adopted by the Inspector-General. (Hear, hear.) He appealed to the learned member for Toronto, who had in his possession a³⁰ book treating of this subject (Ward on Investments) belonging to the library of the House³¹.

MR. CAMERON stated that he did not now have it in his possession.³²

MR. LANGTON.--There was only one copy found in the Library, when the bill was under discussion. That copy was lent to the Inspector General, and he lent it to the member for Toronto. He (Mr. Langton) had not seen it; but it must be in the possession of some member, and he was willing to appeal to it, and to rest his case on its giving a different result from that adopted by the Inspector-General, and the same result as he (Mr. L.) had laid before the House. (Hear, hear.)³³ That table was calculated for those bodies which were compelled to commute en bloc--Wesleyans and R. Catholics--not for stipends of those who had to effect the commutation individually, and it was based on the probable ages of the persons to be found in such bodies.³⁴ But the Inspector-General said that, whether the principle was correct or not, he was bound by the letter of the Act to adopt that method of calculation, taking the probable expectation of life as the basis. But, although the words "probable expectation of life" were used, it must be remembered that the probable expectation entered into the true method of calculation, as well as into the Inspector-General's--the difference was in the manner of using it. Even if the words of the Act seemed to favor the Inspector-General's view, and he had objected to the clause at the time as clumsily worded, would any one say that the Act meant that those incumbents were to get anything beyond the real, true, just value of their annuities? But he was ready to prove that the tables on which the Inspector-General proceeded gave 30,000L beyond that. (Hear, hear.) He never felt more difficulty in his life, in addressing the House, than he had felt on the present occasion. But having been firmly convinced that an error had been committed, he had considered it his duty first to bring it before the Government, and, failing to persuade them to make a change in their calculations, then to bring it before the House. As to the motion of the hon. member for Lambton, he felt some difficulty in supporting it, as he did not think it a right principle to fight the battle over again, without the slightest hope of success. He preferred putting the question he had submitted to the house, unconnected with the motion of the member for Lambton, and would therefore first move an amendment of his own, and, if that failed, his only course would be to vote for the member for Lambton's motion³⁵ as the only means to get such an enquiry made through a parliamentary committee.³⁶ He therefore moved, in amendment, "That an address be presented to his Excellency, praying him to cause enquiry to be made whether the tables laid upon the table by Government, on which commutation has been based, are calculated upon correct principles; and praying him, in the meantime, to stay any further commutation."³⁷

CAPT. RHODES seconded the amendment. He believed an error had crept into the calculations, by which the clergy of his own Church (the Church of England) were receiving a larger sum of money than they were entitled to. He did not attribute blame to the Inspector-General, for he believed it was a simple error, but it was one which ought to be rectified. To do so might be attended with considerable inconvenience, but it was his duty to look after the interests of his constituents, and he felt bound to support the amendment. He had opposed the secularization of the Reserves; but that having been carried, he considered that the arrangement then sanctioned by the majority of the House should be fairly carried out. He had had an opportunity of examining the matter, and of looking into the details of the calculation, and was satisfied that, according to the Inspector-General's tables, the clergy of the Church of England would receive 30,000L more than they were entitled to. And he felt that, in opposing this, he was taking the course most in accordance with the precepts of religion, and the true interests of the Church of which he was a member. (Hear, hear.)³⁸

MR. INSP. GEN. CAYLEY said he believed he had carried out the spirit of the Act, and he had taken an opportunity of consulting a gentleman not inferior to the member for Peterborough in his knowledge of these matters, and found that by that gentleman he was fully supported in the view he took. The member for Megantic might think himself justified in supporting the amendment. He might think that he was thereby doing justice to his Church. But he (Mr. Cayley) thought it enough to say the calculations he had adopted were the printed tables which the Act itself pointed out.³⁹

MR. LANGTON.--Will the hon. gentleman produce those printed tables, and, if they prove what he says, I will withdraw my motion. (Spoke! spoke!)⁴⁰

MR. CAMERON did not think the calculations of the member for Peterborough were correct. He believed the government calculation was the correct one, and it was based on the terms of the statute itself.⁴¹ The fact was, the clergy were to receive too little instead of too much. Clergymen's lives were recognised by Insurance Companies as among the best, and tables specially prepared for them gave them larger amounts than other people. Yet, instead of basing his calculations on these more favorable tables, as he might have done, and as he (Mr. C.) thought he should have done, he had used the ordinary general tables as the basis for commutation.⁴² And instead of anything being received by the clergy of the Church of England or the Church of Scotland, which they were not entitled to, he held that they were not receiving as much as they would be entitled to, if the government had taken the most favourable tables which they might have taken. What good object could be served now by the motion of the hon. member for Peterborough? The government stated that a large number of the clergy had already been commuted with. These it was impossible now to interfere with, and it would be unfair to establish a different basis for those still to be commuted with, from what had been adopted for those who had already received the money. He trusted the majority of the house were sufficiently confident that the government had acted fairly, to induce them to vote down the motion of the member for Peterborough as well as that of the member for Lambton. He was surprised at the indications which had been given by the member for Lambton and his friends that they were going to vote for the motion of the member for Peterborough, although it admitted the principle of commutation. (No! no!) Their object in supporting such a motion could only be to embarrass the government. This circumstance shewed that the object of the hon. member for Lambton was not so much to put the matter on a satisfactory footing, as to raise an agitation with the view of weakening the influence of the government.--The hon. gentleman had presented a large number of petitions,⁴³ with 20,000 or 25,000 signatures against the commutation clause,⁴⁴ but he ventured to assert that if those members favourable to the commutation had made half the exertions they would have covered the table with petitions bearing double the number of signatures. From his own constituency he would have got a very large number of names in favour of commutation. In some of the petitions nearly a third, or a half of the names were in the same hand-writing and ink.--Whole families signed them. In one case there were twelve names written with the same ink, apparently comprising the whole family from the eldest son or daughter down to the babe in arms. (No! no!) The member for Lambton cried (no! no!) but did he not shew that hon. gentlemen (sic) a petition, of which nearly half a column was in the same hand-writing, and could not other such petitions be brought forward now?--⁴⁵

MR. BROWN.--Bring them.⁴⁶

((MR. CAMERON:)) The hon. member for Lambton and those who agreed with him, said that by this commutation they were going again to create a state-paid church, that they were going to place in the hands of those clergy a large sum of money to erect endowments which would prevent the free exercise of the institutions or religion in this country, that they were going to create a priesthood, with an influence and power which it ought not to have. The heading to the petitions, drawn up he presumed by the hon. member for Lambton, stated that the Church of England had actually received or was about to receive 300,000L from the government. A few days afterwards the Globe said it had gone over the whole calculations carefully, and found that the clergy whose names were on the list were entitled to receive within a fraction of 230,000L.--He (Mr. Cameron) said it did not come to anything of the sort. The Globe calculating the commutation on the most correct data, put it at a higher amount than he (Mr. Cameron) would put it at, or than the government would put it at. And yet this commutation money, they asserted, was to be used by the clergy to put themselves into a position they were not entitled to. For his own part, like the hon. member for Renfrew, he considered there could not have been a nobler act than this of the clergy of the Church of England and the Church of Scotland. There was no power on earth that could have compelled them to commute unless they had been so inclined. Neither Bishop nor Presbytery could compel them, and when they received the money, the money was their own. And who, he asked, was to prevent them from using it as they pleased? And when in those circumstances the clergy united together to make a combined fund for the purpose of religion, he would say, honour to the men who did so, who were prepared to sacrifice any money interest of their own in the cause of the religion they loved, and to make out of their own money a common fund to advance the highest interests of their country. Instead of being carped at by those who held different principles, those men ought to be admired for their conduct. He thought the Government had acted in this matter quite fairly and properly, and instead of being open to the objection raised by the hon. member for Peterborough, they had not adopted the highest rate of expectation of life which in the case of clergymen they might very properly have done.⁴⁷

MR. ROBINSON thought the motion of the hon. member for Peterboro the most extraordinary one he had ever heard. They proposed to ask the Governor General to enquire if he had not made a blunder in his mode of carrying into effect the commutation clause--whether, in fact, he had correctly understood the act of Parliament.⁴⁸

(901)

Mr. Langton moved in amendment to the Question, seconded by Mr. Rhodes, That all the words after "That" to the end of the Question be left out, and the words "an Address be presented to His Excellency the Governor General, praying him to cause enquiry to be made whether the Tables laid upon the table, by Government, on which commutation has been based, are calculated upon correct principles; and praying him in the mean time to stay any further commutation" inserted instead thereof;

(902)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Biggar, Bourassa, Brown, Bureau, Christie, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Freeman, Galt, Gould, Hartman, Holton, Jobin, Laberge, Langton, John S. Macdonald, Roderick McDonald, Marchildon, Mattice, Merritt, Munro, Papin, Patrick, Prévost, Rhodes, Rolph, Scatcherd, Wright, and Young.--(37.)

NAYS.

Messieurs Alleyn, Bell, Bellingham, Blanchet, Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Delong, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Felton, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Hincks, Jackson, Labelle, Larwill, LeBoutillier, Lemieux, Lumsden, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Poulin, Pouliot, Powell, Robinson, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, Whitney, and Yeilding.--(74.)

So it passed in the Negative.

MR. BROWN said--Before the vote is taken on the main motion, I desire to say a few words on some of the remarks which have fallen from honourable gentlemen opposite. In reply to the badinage of the Attorney General West, in which he so frequently indulges, I would merely say that he might have left that alone on so grave a subject as this. The honourable gentleman must admit that on this question a great deal is at stake--that the future welfare of the country may be seriously effected by this matter of commutation. Certainly it is not a fit subject for joking. In regard to the character of the petitions which have been presented to the House the learned member for Toronto stated that they were signed by men, women, and children, large numbers of the names being in one hand-writing. The honourable gentleman should have been more guarded in making such an assertion--there is no justification for it--⁴⁹

MR. CAMERON.--I spoke of those which I saw myself.⁵⁰

MR. BROWN.--The honourable gentleman examined one of the petitions, and only one, so far as I know, one from the county of York, among the first that came in. On that petition, it is true, the honourable gentleman showed me some eight or nine names which appeared to be in the same hand-writing.⁵¹

MR. CAMERON.--A third of a column of them.⁵²

MR. POST. GEN. SPENCE.--Here is one with 70 in a row.⁵³

MR. BROWN.--It might be so. Unfortunately, it had been with these petitions as with many others, those going about to get signatures find the men at work in shops or the fields, and they authorised them to sign for them.⁵⁴ Every one knows that it is a common habit in the country to exhibit signatures by instruction, to petitions on every subject. Writing materials may not be always at hand, and the parties in charge of the petitions are authorized to sign the names of individuals. (Hear, hear.) I do not think it is a right system, but

it is the system in vogue in Canada. I need only recall the circumstance of a petition presented in last Parliament by the present Commissioner of Crown Lands, (Mr. Cauchon) with 7,000 names to it, although not above one hundred of the parties had signed their names themselves.⁵⁵

MR. COM. CR. LANDS CAUCHON.--But there was a certificate at the end that the party was duly authorized to sign for them. These petitions had no such certificate.⁵⁶

((MR. BROWN:)) If you go into our petition-room and take up any petition by chance, having 200 or 300 names, you will find many of them in the same handwriting. I do not say it is a correct system. Still it is the system which is practised and I do say that in reference to these commutation petitions it has been practised to a far less extent than of those of any other subject that ever came before the House. (Hear, hear.) I say this from being conversant with petitions presented by honourable gentlemen on both sides of the House; for I perhaps take more than ordinary pains to find out what are the petitions presented to the House. I totally deny that the commutation petitions have been signed by women and children--it is not true. Honourable members have spoken of those petitions as if they did not furnish a sufficient evidence of public opinion. Now I only know of one question since the union on which petitions have been presented with a larger number of signatures. (Hear, hear.) That question is the Maine Liquor Law. I do not know of another case in which 25,000 petitioners have addressed this House. (Hear, hear.) Honourable gentlemen opposite know very well that these petitions do represent the feelings of their constituents. The member for Toronto may be correct in saying that they do not represent the feelings of his constituency, for I believe that in Toronto there is a majority opposed to this movement. But throughout the Reform constituencies, and these form the vast majority in Upper Canada, there is one universal feeling of indignation at the course which the ministry have pursued in this matter.⁵⁷

MR. HINCKS.--No! no!⁵⁸

((MR. BROWN continued:)) The honourable member for Renfrew says, no, but let him look at the petitions from his own county.⁵⁹

MR. HINCKS.--I have not received a single letter from my constituents on the subject.⁶⁰

MR. AT. GEN. J.A. MACDONALD.--There are many counties containing 25,000 people.⁶¹

MR. BROWN.--There is only one county containing that population, including men, women, and children--including people of all creeds and shades of politics. There is not one county with 2000 electors in it. I affirm that there never was a better expression of the Reformers of Upper Canada than is shown by those petitions. (Hear, hear.) We could not expect any strong expression of opinion from the constituencies represented by the honorable member for Simcoe or the Attorney General; but look at what has come from the counties where reform views predominate. What has been the voice of the people who compelled the gentlemen on the Treasury Benches to deal with this question, contrary to their

convictions and the position they had assumed during the whole of their previous lives? (Hear, hear.) We, the Reform Representatives of Upper Canada are the parties who forced a measure of secularization on the government, and we are the parties to decide what are the opinions of the people whose views we spoke on this subject, and to whose views the government professed to yield. The honorable member for Toronto spoke of a newspaper statement, that the commutation money would amount to 300,000L. That was a rumor originating with a Conservative newspaper. He also spoke about a statement in the Globe, that it would amount to 225,000L. But how was that obtained? Why, by taking the list sent down to the House, containing the names of parties not entitled to be commuted with at all. Calculated according to the correct principle laid down by the honorable member for Peterborough, the amount that would go to the Church of England would be about 186,000L. Yet we are told that the government is commuting with that church for 270,000L. The power left in the hands of the government to settle this matter is almost unlimited; they have evidently used that power most improperly; and I think we have abundant proof in the statement of the honorable member for Peterborough alone, that there is a necessity for this committee being appointed. It may be that the government have already commuted with some of the parties; but I say they had no right to take it upon themselves to do this, without consulting this House. And I fear there is every reason to believe that a much larger sum than was contemplated by the statute has passed into the hands or is about to pass into the hands of the favored sects. This is the very thing we feared while the bill was under discussion, although it is altogether opposed to what honorable gentlemen opposite declared at the time. We were told there was to be no commutation with the bodies, that it was to be entirely with the individuals, and on the lowest scale of assurance calculations; whereas we now find it is with the church bodies, and that the government take the highest scale they could obtain. But it is said that the money cannot be invested in real estate. We will find, however, after those parties get the money, that that clause also was more meant for the eye than with a view to reality. (Hear, hear.) When the government have completed the commutation, and the money has been handed over to the Church Society or other managing body, the member for Toronto will tell us, as he did to-night, that we have no right to say how the Society shall invest its funds; and they will be invested in real estate, so as to build up a worse evil than has ever before existed. The government may think that they have managed the thing admirably, and settled the question forever, but they will find that a feeling has been raised which it will be very difficult to allay. (Hear, hear.) The member for Toronto said we were willing to vote for the motion of the member for Peterborough, notwithstanding that it admitted the principle of commutation. It did no such thing. The object of my honorable friend's motion was to stop commutation until the fullest information had been obtained, and I would have been perfectly willing to have withdrawn my motion to allow that to be carried, so that the public might know all that had been done. The country will not be satisfied if the House submits to allow this commutation to go on, after the statement that has been made, that the churches are receiving larger sums than are warranted by any tables anywhere to be found.⁶²

MR. INSP. GEN. CAYLEY.--The tables are all in print.⁶³

MR. LANGTON.--I would like to see them.⁶⁴

MR. INSP. GEN. CAYLEY.--Does the hon. gentleman doubt my word?⁶⁵

MR. LANGTON ((rose to speak))--⁶⁶

Order! order! from the Ministerial side.⁶⁷

((MR. LANGTON:)) The hon. gentleman has asked me a question whether I doubted his word. I wish to state exactly what I want to convey, in such words as he may understand my meaning. (Order! order! Chair! chair!)⁶⁸

MR. SICOTTE the SPEAKER.--The hon. member can only explain after the hon. member for Lambton has finished his speech, unless the House is willing to allow him to make the explanation now.⁶⁹

MR. BROWN.--Where unnecessary interruptions are made, I think that an excellent rule. But when a debate is going on, and a question is put which raises some point that it is desirable for the interests of truth should be explained, I think an opportunity to explain should be given, if the member speaking does not desire to be interrupted. For my own part I make no objection, as a point has been raised which I consider it very material to bring out.⁷⁰

MR. SICOTTE the SPEAKER.--I think that hon. members should not interrupt one another while speaking, and that explanations should be delayed till the member speaking has finished his speech.⁷¹

MR. BROWN then proceeded:--There is one objection to our position which is very amusing. The Inspector General said--"the member for Lambton tells us that we made a promise in the former part of the session that before we did anything in the way of commutation, we would come down to the House with full particulars of the data on which it was to be effected--and how is that consistent with his other statement that he feared we would go on with it during the recess, if any agitation was got up." But the hon. gentleman takes it for granted that I have full faith in the Government keeping their promises.--I have not that faith. (Hear, hear.)⁷²

MR. AT. GEN. J.A. MACDONALD.--No such agreement was ever made.⁷³

MR. BROWN.--No agreement made! Well, the member for Peterboro thought there was such an agreement, the member for Glengary thought so, and the members for Montreal⁷⁴, North York,⁷⁵ and Sherbrooke thought so. We all thought so; and it is strange that we should all have fallen into the same mistake.⁷⁶

MR. PRES. EX. COUN. MACNAB.--When was this agreement made?⁷⁷

MR. BROWN.--It was made in this House last Fall, when we were in Committee on the Clergy Reserve Bill, and when the member for Peterboro moved that the data on which the Government were to proceed should be laid on the table, the Attorney General promised that this should be done before any settlement was made.⁷⁸

MR. AT. GEN. J.A. MACDONALD.--No! no!⁷⁹

MR. BROWN.--Perhaps these were not the exact words and it may have been in this matter as with the rest of the Bill, that the Government have kept their promise to the ear, and broke it to the hope--⁸⁰

MR. AT. GEN. J.A. MACDONALD.--He states what is incorrect, and he knows it.⁸¹

MR. BROWN.--Is the hon. gentleman warranted in using such language after he has heard what all the members on this side say,--that they understood him to promise that those statements should be laid on the table before commutation was effected? And now what does he say?--that he promised to lay them on the table, but not before commutation was made--⁸²

MR. AT. GEN. J.A. MACDONALD.--I never promised anything at all.⁸³

MR. BROWN.--Can we all be mistaken?⁸⁴

MR. AT. GEN. J.A. MACDONALD.--Who says I made any such promise?⁸⁵

MR. GALT.--I understood you to do so. (Hear, hear.)⁸⁶

MR. J.S. MACDONALD, (Glengary).--And I understood you to do so. (Hear, hear.)⁸⁷

MR. LANGTON.--I heard the Attorney General promise to lay the papers on the table at the earliest possible period.⁸⁸

MR. J. SMITH (of Victoria) said the only promise he had heard, and that he supposed referred to, was this--an amendment to the commutation clauses having been moved by the hon. member for Peterboro', seconded by himself, proposing to enact that the tables forming the basis of commutation and a list of the names of the parties whose stipends were to be commuted should be laid on the table of the House 14 days before commutation should take place. The Attorney General then promised that if the motion was withdrawn the information would be laid before the House.⁸⁹

MR. AT. GEN. J.A. MACDONALD.--He could not have heard me say so. It may have been the Inspector General. (Oh! oh!)⁹⁰

MR. J. SMITH.--The amendment, however, was persisted in and Ministers considered themselves released from their pledge, he supposed.⁹¹

MR. BROWN.--I appeal to the House whether I was not fully justified in the statement I made. (Hear, hear.) And the hon. gentleman himself, after he has heard what those hon. members have said, must admit that he was not warranted in using such language as he did. (Hear, hear.)--But if the hon. gentleman rests on guarding his promise so that its force was to depend on the nice construction to be attached to his words and not on the fair meaning to be drawn from them, I ask what faith can this side of the house be expected to repose in the government? (Hear, hear.) I appeal to hon. gentlemen opposite, representing Reform constituencies but supporting the government, whether this commutation clause has been carried out in the way they anticipated? (Hear, hear.) Have we not

ground to demand the appointment of a committee, that the whole matter may be enquired into, that we may learn what is the amount the parties are entitled to--whether they are being paid more than the law authorises--and how the money is to be invested, whether in land or otherwise? We must all feel that this it (sic) a matter of the very greatest importance, and assuredly the country is looking for the decision we may arrive at, with intense anxiety. Hon. gentlemen may talk lightly of the names attached to the petitions before us, but when we go back to our constituents, I am persuaded we will find that no question which ever before agitated the public mind, affected it so deeply, or took hold of it so strongly, as this question of commutation. (Hear, hear.)⁹²

MR. POST. GEN. SPENCE said undoubtedly the question involved in those discussions was one of the most important which had ever agitated the minds of the people of Canada, and had agitated it in past times most profoundly. He believed the commutation clause of the Reserves Bill were fitted to put an end to the agitation, and had therefore warmly supported it, and assisted to carry it into effect. That measure had been adopted by the House, and its principles reasserted, and he was convinced was accepted by the country at large.⁹³ It appeared strange to him that from the 17th October when the Bill was introduced till the 18th December when it received the assent of his Excellency--that during all that period the hon. gentleman did not attempt to wake up public attention, and pump up an agitation, as he might have done effectually, if public opinion was on his side. The hon. gentleman said that the petitions lately presented were the result of a taunt from the ministerial side during the last debate, that public opinion supported the present settlement. He (Mr. Spence) would appeal to the House whether the member for Lambton had discharged his duty to his country in agitating the public mind on this question, simply, because a remark was made on the ministerial side that public opinion acquiesced in the settlement. It was true that that remark had been made. He (Mr. Spence) made the remark himself that with the exception of that emanating from Dr. Pyper and two others, not a single petition had been presented to this House against the Government scheme. He was warranted in making that remark, and he was warranted now in recurring to that fact as bearing him out in saying that no agitation of the public mind would have taken place, if the member for Lambton and those who aided him in the work of agitation had not been operated on by the statement to which he had referred. But what had been the result of this mighty agitation? Like the Attorney General, he respected the right of petition, but what had been the result?⁹⁴ He had no disposition to speak lightly of the wishes of the people expressed in that way; but when they came to examine the result of these efforts, what was it? Every one knew there was a minority--a very respectable minority--in that House and out of it opposed to the scheme of commutation; but it was their duty to acquiesce, like other minorities, in the decisions of the majority. Suppose they had obtained as many as 50,000 signatures of men, women and children in Upper Canada, (and these petitions were signed by all these classes,) among a population of a million and a quarter, would that be an expression of the popular opinion of Upper Canada? By no means. Take, for instance, the most numerous signed petition--that from his own constituency--that which had not been laid before the House in instalments, like the others, but brought altogether, with 700 names affixed to it, to form, as it were, the coping stone of the edifice which had been reared on which to found this new motion.⁹⁵ The petition he held in his hand from his own county--he acknowledged it had attached to it the names of a number of the most respectable freeholders.

(Hear, hear.) But the first name was that of Mr. Coleman, a political opponent who headed the list.--And with all that gentleman's powerful influence, of all the freeholders in the town of Dundas, not more than 70⁹⁶ ((OR)) forty⁹⁷ names were attached to the petition. The other petition presented by the member for the South Riding (Mr. Freeman) was headed by Dr. Hamilton, also his (Mr. Spence's) political opponent, and the head of the Conservative party in that county. Did Dr. Hamilton head the petition solely on the ground of his objections to commutation? Was there anything more rational than to suppose that those who had voted against him at the last election would sign the petition? He had marked the theatrical effect which were given to those petitions. The various sheets were not sent down piecemeal, but it was determined to bring the names down by the hundred, and accordingly the petition of Dr. Hamilton and 231 others, and the petition of James Coleman and 475 others, were brought down to be presented as the coping-stone of the agitation, the capping of the climax. And immediately on the back of it came the motion of the hon. member for Lambton. The whole thing was intended to have a theatrical effect. But he would ask the member for Lambton to cross the floor and admit as a man of honour that there were 70 of the names in one handwriting. He would cast no reflection however on those names. He did not mean to say that there were not many respectable names attached to the petitions. (Hear, hear.) But, suppose there were in that county 700 persons, and in the Province of Canada 25,000 who had signed the petitions, what of that? He did not dispute that many were opposed to commutation. There were members of this House opposed to commutation, who yet gave the Government a hearty support, and so it was in the country. There were many gentlemen in his county who had done him the honour to write him that they had adhibited their names to the petitions on account of their anti-commutation views, but that nevertheless they desired to support the Government and to support him as their member. These were men belonging to the United Secession and Free Churches, of strong views, whose feelings were inflamed by this printed text carried into their Houses, something fitted to harrow their feelings and carry them back to the times of 1834 and 1836. Some one would walk in and say--"John, do you want a State Church over your head," and John would reply--"Put down my name, I will have no State Church." And more than this, he believed that many who had signed those petitions, like the hon. members behind him, (Messrs. Church, Matheson, &c.) though they did not approve of commutation, were yet glad in their hearts that the question was settled, never to be opened again.⁹⁸ Turning to another petition--that from Hamilton--the hon. and gallant knight at the head of the government, who represented that constituency, and whose long residence there, since from a village it had sprung up into a city with 20,000 inhabitants,--he, his hon. and gallant colleague, declared he was unable to find more than ten names of men signed to it whom he knew; and he (Mr. S.) who knew something of Hamilton and of the younger class of business men there, could only make out fourteen. Such was the character of the signatures obtained there.⁹⁹ He looked upon the movement, not as the spontaneous action of the people, but as the well-pumped action of a steam press in Toronto. And where he asked was public opinion in Upper Canada from the 17th October to the 18th December. The telegraph had been used for mischievous purposes before and since, and why did not the member for Lambton use it then? Simply because he knew that if he had attempted to get up an agitation, a counter agitation would have taken place, and ((in)) Upper Canada as one man would have said, we want a settlement of the Clergy Reserve Question, a settlement of it now, once, and forever. But the member for Lambton was too modest to

allude to the fact that there had been two public meetings held in the country against commutation. One was held in Brantford, while the Assizes were sitting, and no more suitable time could have been chosen for getting an expression of opinion from the East Riding of Brant.¹⁰⁰ Judicious newspaper articles were put forth in the local papers to arouse the enthusiasm of the sluggish; all was done that experienced and influential agitators could do to get up a telling meeting--and what was the result? Did the mayor of the town preside? No! Did the warden of the county? No! Did a Town Councillor take that post? No!--A very respectable tradesman was made chairman, and Ministers of the Free Church moved and seconded all the resolutions for want of leading laymen to do so.¹⁰¹ He looked upon this as an evidence that there was no spontaneous movement among the people, and that if ministers of the Gospel had staid at home, the people would have been perfectly quiet. But there were four ministers present two of whom moved and two seconded the resolutions.¹⁰² But how many were present at this great meeting, held at such a time, in a town of 7000 inhabitants, with a very densely settled country around it--in a town where meetings of 10,000 people have been held? The Globe copied the account of the meeting from the Brant Herald, but fraudulently struck-out the number given by that--an anti-commutation--paper. According to the Herald there were fifty present. There may, indeed, have been that number, but as people are wont to magnify numbers on their own side, there were more probably 35 or 40. Another tremendous meeting had been got up at Guelph, at which there were 15 present. The fact was, the question which had so long agitated the public mind--had divided those who should have been united, and made enemies of those who should have been friends--had been at last settled, and the country rejoiced at it. He was convinced that all the attempts made by the hon. member for Lambton and his friends to renew that agitation would be vain.¹⁰³ In regard to his own position, from the letters he had received from different townships in his county and from the populous town of Dundas, he felt perfectly easy, notwithstanding the disinterested anxiety of the honorable member for Lambton on his account.¹⁰⁴

MR. FREEMAN said that he would not have troubled the House with any remarks upon this question which had been so long before the public that every member thoroughly understood it if it had not been for the supercilious manner in which the Postmaster General had alluded to the petitions which he (Mr. F.) had presented to the House from that honorable gentleman's constituents. He would support the motion before the House, because he believed the people were now as much in favour of entire secularization as ever they were, and not merely because he thought the number of petitioners was large enough to show the state of public opinion. If there had been an extreme to which the people had been prepared to go, it was not to allow the stipends and allowances secured to clergymen under the Imperial Act. The Address, however, of our Legislature to Her Majesty, asking for power again to legislate on this question, having expressly excepted vested rights, the Imperial Parliament declared these stipends and allowances to be such, and provided that in any legislation had in this House these allowances should be preserved payable to these individuals during their lives or incumbencies. The people acquiesced in this restriction, but they never would have approved of the commutation clause if the bill had been submitted to them. (Hear, hear.) He would ask whether any member of this House could truthfully say that placing these monies in the hands of the Church Society, would not, in a permanent manner, be supporting the very evil which the people had always opposed, and against which they unequivocally expressed themselves

at the late election? This Society had corporate powers, which suspended an article of Magna Charts, and enabled it to hold any quantity of land in mortmain. The power given to churches to prevent commutation with individuals was now doubtless being exercised, in order to get the commutation money to invest in this society. The amount will be about two hundred and seventy thousand pounds. He could see a vast difference between allowing these stipends to be paid annually to the individuals, and paying their assumed value according to the calculations made by the Government to be so invested. The one course was a mere acquiescence in the terms of the British Act, the other was supporting a principle entirely opposed to secularization, and contrary to all sound legislation, and one which would create a fund obtained from these lands which belonged to the public for the support of a particular faith. The one secures to those men all the British Parliament asked for them. The other gives them much more, to be used in a most objectionable manner. The honourable member for Renfrew (Mr. Hincks) had said that the Bill prevented the purchase of real estate with this money--the bill contains no such restrictions as to the English and Scotch Churches--it applies to the Roman Catholics and Methodists only. The partial motive displayed by the Government in this respect was most unaccountable. There was great inconsistency in the course the government had taken on this question. When the mover brought the question up before, they taunted him with want of petitions, and now when that objection is met by petitions signed by nearly twenty-five thousand, they say, "Oh! but if the people were not satisfied they would hold public meetings, and fill the table with addresses against commutation." It was quite obvious thas (sic) the government intended to disregard public feeling upon this question. (Hear, hear.) He would now refer to the manner in which the honorable member for North Wentworth had treated the petitions from his constituents. That gentleman had said that Dr. Hamilton, who headed one of the petitions, and Mr. Coleman, who headed the other, were personally opposed to him--and although most respectable men, their names were placed there more through a feeling of personal hostility to him than a desire that commutation should be stayed. He (Mr. F.) considered such an accusation most unjustifiable. He knew those gentlemen as well as others of the petitioners too well to allow such an imputation to pass unnoticed. Since that honorable gentleman had obtained his present high position, he seemed to think that every movement of the people was directed against himself. He would assure that honorable gentleman that his position did not attract half the attention he imagined, for although he had given his constituents reason to suspect his soundness, and had disappointed the hopes of many of his warmest friends, yet they were not willing to withdraw their confidence entirely, and they did expect that he would pay more respect to a wish so generally expressed. Did not these petitions contain the opinions that the signers had always maintained? And was it not by the profession of such opinions that that gentleman obtained their confidence, votes, and his present position and power? (Hear, hear.) That honorable gentleman knew well that if it was true that this subject had been agitated by some people merely to gain position and power, no one was more exposed to the charge, or had played a more successful part in such agitation than himself. But he (Mr. F.) denied that the people were actuated by any improper motive. They had just ground for the agitation originally, and still had a right to expect that their prayers would be attended to by an administration who had made the strongest possible professions of obedience to the will of the people. And he would hand back to that honorable member the impertinent imputation that any one of his constituents had made this subject a pretence to

attack him. Is not the prayer of their petition consistent with their former opinions on this question? He knows it is. Then, what right has he to impute unworthy motives to a justifiable act? People who have a representative who is able and willing to carry out their reasonable wishes are in a fortunate position, but what shall we say of the condition of those whose representative is able to do so, but who treats their prayers with sneers and contempt. It is indeed amusing to see the harmony existing between the Attorney General (McDonald) and the Postmaster General in opposing further discussion of this question. The former gentleman says that demagogues used it to gratify their ambition, and he asks for peace, the other having gained the object of his ambition, seems to think that with his elevation the guaranty for liberal measures was fulfilled, all causes of discontent removed, the hope of the country realized, and he also asks for peace. (Hear, hear.) He (Mr. F.) said he was authorized to say that the signatures to the petitions from North Wentworth were fairly obtained and were genuine, and that the petitioners expressed the opinion of that Riding, and that the number was nearly equal to the whole of the votes polled at the last election for that riding. (Hear, hear.) The doubt which had been thrown upon the correctness of the calculations upon which commutation as far as had been effected, had been made, afforded an additional and unanswerable argument for this motion. (Hear, hear.)¹⁰⁵

MR. CHRISTIE said he had been very much surprised at some of the expressions used by the Postmaster General in regard to the petitions from his riding. He (Mr. C.) had looked over those petitions, and knowing pretty well the people in that district, he had no hesitation in saying, and he was confirmed in that impression by what he had been assured by the person who brought them down to Quebec, a very respectable man, that of the whole there were not five names of persons who were not residents in the north riding of the county of Wentworth. And he was further assured that nearly all the names were those of freeholders. (Hear, hear.) He would be curious (sic) to hear how the hon. gentleman would stand in the estimation of his constituents, after they were made aware of what he had said to-night. They certainly will be astonished to hear that a fraud had been committed in the getting up of these petitions. (Hear, hear.) He (Mr. C.) knew that the names of nearly all the leading freeholders in the county were attached to them, and would be glad of an opportunity of pointing them out to the hon. gentleman. It might be true that several of the names were signed by one individual, but did the hon. gentleman mean to insinuate that those names were put down without the authority of the persons whose names they were? If he did, let the petition and the names be printed and sent to the county of Wentworth, with the statements of the hon. member appended to it, and then those people would have an opportunity of speaking out, if their names had been put down against their will. That was the way to prove it. (Hear, hear.) The Postmaster General had chosen also to refer to the expression of public opinion which had been given in the county of Brant. He spoke of the public meeting which had been held. He (Mr. C.) had no private information regarding that meeting, but he knew from the names of the persons who moved and seconded the resolutions that it was a meeting of the most respectable character. But there was one feature of the meeting which the Postmaster General had carefully concealed, and that was, that a supporter of the Government had moved an amendment in support of commutation, which was supported by only the mover and seconder, the latter of whom had afterwards signed the petition from the town of Brantford; so that even if the hon. gentleman had stated correctly the number of persons who had attended that meeting at 50, only one could be found to take the

side of the Government. He (Mr. C.) knew that the petition from the town of Brantford had been signed by upwards 200 of the most respectable inhabitants, who he was sure would be surprised to learn that the movement in that county was characterized by a member of the Government as factious. The Postmaster General asked if the Mayor attended the meeting. He did not know, but his name was attached to the petition. (Hear, hear.) He asked if the Warden was present, but the Warden happened to be a High Church Tory, who was not likely to endorse the views contained in that petition. The Warden's name therefore could not be expected, but the petitions which had been presented from the county of Brant contained about a thousand names, and he could speak from his own knowledge, and could appeal also to the member for West Brant, (Mr. Biggar,) for his testimony to the fact that the names attached to those petitions were those of highly respectable parties. He held, therefore, that it was preposterous to say that these petitions did not represent public opinion in U. Canada, so far at least as those three counties were concerned. The Postmaster General talked of the printed heading to the petitions having been hawked about to excite the feelings of the people. But in the honorable gentleman's own county of Wentworth, it so happened that it was an entirely different petition and different heading that was sent about; and in that heading the word "Electors" was plainly used and underlined. (Hear, hear.) Hon. gentlemen opposite spoke of the impropriety of seeking to disturb the present settlement of the question; the very parties who by the injurious stratagem of the commutation clause put it out of the power of the people of this country to be satisfied with that settlement. (Hear, hear.) And he held that the people would be justified in agitating and going on to agitate till they got it as they wanted it. (Hear, hear.) He was surprised to hear the Attorney General saying that no constraint was laid on the clergy to commute for the benefit of their churches. Did not the government inform the several applicants, that no applications for commutation could be entertained without the consent of their churches? (Hear, hear.) The member for Renfrew said he could see no objection to the principle being carried out, because it was the principle of the dissenting bodies in England to have something like a Sustentation Fund. He particularly instanced the Free Church and the Wesleyan Methodists, but at all events there was no dissenting church in Canada that had an endowment fund.¹⁰⁶

MR. BROWN.--Nor yet in Great Britain. They may have sustentation funds, but no endowment funds. (Hear, hear.)¹⁰⁷

MR. CHRISTIE proceeded to say, that the ground taken up by voluntaries was, that church endowments were bad, that they were worse when there was a connection with the state, but that they were objectionable in any circumstances. The history of the old Presbyterian Church in England was an example of such endowments, even when disconnected from the state, being productive of the very worst consequences. This was the great ground of objection to the commutation scheme, that even although the government professed to destroy all connection between church and state, the very worst feature of a church establishment remained in the shape of a permanent endowment, which deprived the clergy of that energy and zeal which were cherished by dependence on the voluntary contributions of their flocks. On those grounds he felt that the motion of the honorable member for Lambton was one which ought to receive the support of the House.¹⁰⁸

MR. LANGTON said he believed he was now in order in desiring to explain what had occurred between himself and the Inspector General a short time ago. The

honorable gentleman having asked him if he doubted his word, he wished then to make the explanation which he would offer now, as he desired it to be distinctly understood to what extent he considered the Inspector General mistaken, when he said the tables he had laid before the House were printed tables. He had asked the honorable gentleman if he would produce them in print. He knew the first table, giving the probable expectation of life, was a printed table. And he knew the second table was founded on a printed table, but it was prepared by working one printed table into another so as to produce what was an entirely new table. (Hear, hear.) He did not doubt the Inspector General's word, that he took his calculation from printed tables, but he took it in such a way as to bring out a new result different from any printed table he could produce. (Hear, hear.)¹⁰⁹

MR. BIGGAR said that reference having been made to the petitions from West Brant, he felt bound to say that the signatures were highly respectable. He was aware also that throughout the Riding the feeling was very strong against the commutation clause. When he returned home, a number of his constituents came to him to see if anything could be done to stop commutation. He told them it was too late for them to do anything, and advised them not to make any efforts, otherwise they would no doubt have circulated petitions. As regarded the town of Brantford, he had examined those presented from that town, and he could state that they were signed by a number of the most respectable inhabitants.¹¹⁰

MR. POST. GEN. SPENCE, to avoid misconceptions, explained in reference to his having called Mr. Coleman a political opponent, that that gentleman had voted for him at one of his elections, and against him at the other.¹¹¹

(902)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Christie, Church, Charles Daoust, Darche, DeLong, DeWitt, Jean B.E. Dorton, Antoine A. Dorion, Fergusson, Ferrie, Foley, Frazer, Freeman, Galt, Gould, Hartman, Holton, Jobin, Laberge, Langton, Lumsden, John S. Macdonald, Roderick McDonald, Mackenzie, Marchildon, Matheson, Mattice, Merritt, Munro, Papin, Prévost, Rolph, Sanborn, Scatcherd, Wright, and Young.--(42.)

(902-903)

NAYS.

Messieurs Alleyn, Bellingham, Blanchet, Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Cayley, Chabot, Chapais, Chauveau, Chisholm, Clarke, Cook, Crawford, Crysler, Daly, Jean B. Daoust, Desaulniers, Dionne, Dostaler, Attorney General Drummond, Dufresne, Feltor, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Gill, Guévremont, Hincks, Jackson, Labelle, Laporte, Larwill, LeBoutillier, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Meagher, Mongenais, Joseph C. Morrison, Angus Morrison, Niles, O'Farrell, Patrick, Poulin, Pouliot, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Stevenson, Terrill, Thibaudeau, Turcotte, Whitney, and Yeilding.--(72.)

So it passed in the Negative.

(903)

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act to incorporate the Eastern Townships Bank:"

Bill, intituled, "An Act to incorporate the Montreal Locomotive, Marine, and Steam Forge Works Manufacturing Company:" And also,

The Legislative Council have agreed to the Amendments made by this House to the Bill, intituled, "An Act to extend the powers of the Consumers Gas Company of Toronto," without any Amendment: And also,

The Legislative Council have agreed to the Amendment made by this House to their Amendments to the Bill, intituled, "An Act to incorporate the Sorel, Drummondville, and Richmond Railway Company," without any Amendment: And also,

The Legislative Council have passed the Bill, intituled, "An Act to provide for the management and improvement of the Harbour of Montreal, and the deepening of the Ship Channel between the said Harbour and the Port of Quebec, and to repeal the Act now in force for the said purposes," with an Amendment, to which they desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act to incorporate the Quebec Masonic Hall Association," to which they desire the concurrence of this House.

And then he withdrew.

MR. LARWILL propose que la chambre soit maintenant ajournée pour permettre aux membres anglais d'assister au dîner de la St. George, qui a été fêté(e) aujourd'hui. Il considère que c'est une affaire de courtoisie, et d'ailleurs il est déjà dix heures, et il n'y a pas d'inconvénient à ajourner.¹¹²

(903)

Mr. Larwill moved, seconded by Mr. Octave Cyrille Fortier, and the Question being proposed, That this House do now adjourn;

Mr. Felton moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, and the words "the Orders of the day be now read" inserted instead thereof;

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Orders of the day be now read.

And the Order of the day for the third reading of the Bill to incorporate the Canadian Order of Odd Fellows in connection with the Manchester Unity, being read;

The Bill was accordingly read the third time.

(904)

The Honorable Mr. Cameron moved, seconded by Mr. Gamble, and the Question being put, That the Bill do pass, and the Title be, "An Act to incorporate the Canadian Order of Odd Fellows in connection with the Manchester Unity;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Bell, Bellingham, Biggar, Bowes, Brown, Burton, Cameron, Cartier, Casault, Chabot, Chisholm, Church, Clarke, Cook, Crawford, Crysler, Daly, Darche, Delong, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Dufresne, Ferres, Ferrie, Fournier, Frazer, Freeman, Galt, Gamble, Gould, Hartman, Hincks, Holton, Jackson, Langton, Larwill, Loranger, Lumsden, Macbeth, John S. Macdonald, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Matheson, Mattice, Meagher, Joseph C. Morrison, Munro, Niles, Papin, Patrick, Poulin, Rhodes, Robinson, Solicitor General Ross, James Ross, Sanborn, Scatcherd, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Somerville, Spence, Stevenson, Terrill, Turcotte, Whitney, Wright, Yeilding, and Young.--(75.)

NAYS.

Messieurs Bourassa, Brodeur, Bureau, Cauchon, Chapais, Charles Daoust, Desaulniers, Dionne, Dostaler, Thomas Fortier, Octave C. Fortier, Guévremont, Jobin, Laberge, Laporte, Lemieux, Mackenzie, Marcilidon, Masson, Mongenais, O'Farrell, Pouliot, Prévost, Rolph, and Thibaudeau.--(25.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill for the relief of Bartholomew Galvin, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize the Court of Chancery and Courts of Queen's Bench and Common Pleas in Upper Canada to admit Bartholomew Galvin to practise as an Attorney."

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

The Honorable Mr. Cartier, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 21st ultimo, for copies of Correspondence and other Documents relative to the sale of the Grey Nuns' property at Montreal, near Victoria Bridge.

For the said Return, see Appendix (U.U.U.)

Ordered, That the said Return be referred to the Special Committee for the investigating all charges preferred against the Members of the late Administration.

(905)

A Bill to incorporate l'Hospice de St. Joseph de la Maternité de Québec, was, according to Order, read the third time.

The Honorable Mr. Chabot moved, seconded by the Honorable Mr. Lemieux, and the Question being put, That the Bill do pass, and the Title be, "An Act to incorporate l'Hospice de St. Joseph de la Maternité de Québec;" the House divided:--And it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Chabot do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to incorporate the Upper Canada Bible Society, being read;

Mr. Joseph Curran Morrison moved, seconded by Mr. Munro, and the Question being proposed, That the Bill be now read the third time;

MR. HARTMAN dit qu'on l'avait accusé, ainsi que ses amis, de vouloir persécuter les institutions catholiques du Bas-Canada, quand il avait proposé d'empêcher les différentes corporations de posséder des biens-fonds d'une trop grande étendue; que pour faire voir qu'il en agissait ainsi par principes et non par fanatisme religieux, il était heureux de saisir cette occasion pour faire la même proposition, aujourd'hui qu'il s'agissait d'une corporation protestante du Haut-Canada. En conséquence il proposa "que ce bill fût renvoyé à un comité général, avec instructions de l'amender en prescrivant que la dite corporation ne posséderait aucune propriété foncière, dans le but d'en tirer un revenu, mais seulement les biens-fonds nécessaires à la dite compagnie."¹¹³

(905)

Mr. Hartman moved in amendment to the Question, seconded by Mr. Brown, That all the words after "be" to the end of the Question be left out, and the words "re-committed to a Committee of the whole House, with instructions to amend it, by providing that no Real Estate shall be held by the said Corporation for the purpose of deriving a Revenue therefrom, but only such Real Estate as may be necessary for the actual occupancy of the said Corporation" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Bell, Biggar, Brown, Chisholm, Cook, Daly, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Ferres, Ferrie, Freeman, Galt, Gould, Hartman, Holton, Jackson, Langton, Lumsden, Mackenzie, Marchildon, Mattice, Niles, Papin, Patrick, Rolph, Sanborn, Scatcherd, Sidney Smith, and Young.--(52.)

NAYS.

Messieurs Bowes, Brodeur, Bureau, Cameron, Cartier, Casault, Cauchon, Church, Crawford, Crysler, Jean B. Daoust, Desaulniers, Attorney General Drummond, Dufresne, Thomas Fortier, Fournier, Gamble, Guévremont, Hincks, Jobin, Labelle, Laporte, Lemieux, Attorney General Macdonald, Sir A.N. MacNab, McCann, Masson, Matheson, Mongenais, Joseph C. Morrison, Poulin, Pouliot, Prévost, Rhodes, Robinson, Solicitor General Ross, James Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Thibaudeau, Turcotte, and Whitney.--(45.)

So it passed in the Negative.

Then the main Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

(905-906)

YEAS.

Messieurs Alleyn, Bellingham, Biggar, Bourassa, Bowes, Brodeur, Burton, Cameron, Cartier, Casault, Cauchon, Chapais, Church, Clarke, Cook, Crawford, Crysler, Daly, Charles Daoust, Jean B. Daoust, Darche, DeLong, Desaulniers, DeWitt, Dionne, Jean B.E. Dorion, Antoine A. Dorion, Attorney General Drummond, Ferres, Thomas Fortier, Octave C. Fortier, Fournier, Galt, Gamble, Guévremont,

Hincks, Holton, Jackson, Labelle, Langton, Laporte, Larwill, Lemieux, Loranger, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Masson, Matheson, Mongenais, Joseph C. Morrison, Munro, Niles, Papin, Patrick, Poulin, Pouliot, Prévost, Rhodes, Robinson, Solicitor General Ross, James Ross, Sanborn, Shaw, Solicitor General Smith, Sidney Smith, James Smith, Spence, Stevenson, Thibaudeau, Turcotte, Whitney, and Yeilding.--(75.)

(906)

NAYS.

Messieurs Bell, Brown, Bureau, Christie, Ferrie, Hartman, Jobin, Lumsden, John S. Macdonald, Marchildon, Mattice, Rolph, and Scatcherd.--(13.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Mr. Joseph Curran Morrison moved, seconded by Mr. Sidney Smith, and the Question being put, That the Bill do pass, and the Title be, "An Act to incorporate the Upper Canada Bible Society;" the House divided:--And it was resolved in the Affirmative.

Ordered, That Mr. Joseph Curran Morrison do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to incorporate the Upper Canada Religious Tract and Book Society, being read;

Mr. Joseph Curran Morrison moved, seconded by Mr. Sidney Smith, and the Question being proposed, That the Bill be now read the third time;

Mr. Hartman moved in amendment to the Question, seconded by Mr. Brown, That all the words after "be" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, with instructions to amend it, by providing that no Real Estate shall be held by the said Corporation for the purpose of deriving a Revenue therefrom, but only such Real Estate as may be necessary for the actual occupancy of the said Corporation" inserted instead thereof;

Au moment de prendre le vote, MR. LORANGER sort de la chambre¹¹⁴.

Un membre lui crie d'attendre encore un peu (rires).¹¹⁵

(906)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aikins, Bell, Biggar, Brown, Chisholm, Christie, Cook, Daly, Charles Daoust, Darche, DeWitt, Jean B.E. Dorion, Antoine A. Dorion, Fergusson, Ferres, Ferrie, Freeman, Galt, Gould, Hartman, Holton, Jackson, Langton, Lumsden, John S. Macdonald, Mackenzie, Marchildon, Mattice, Munro, Niles, Papin, Patrick, Rolph, Sanborn, Scatcherd, Sidney Smith, Somerville, and Young.--(58.)

(907)

NAYS.

Messieurs Alleyn, Bellingham, Bourassa, Bowes, Brodeur, Bureau, Burton, Cameron, Cartier, Casault, Cauchon, Chapais, Chauveau, Church, Clarke, Crawford, Crysler, Jean B. Daoust, Delong, Desaulniers, Dionne, Attorney General Drummond,

Dufresne, Felton, Thomas Fortier, Octave C. Fortier, Fournier, Gamble, Guévremont, Jobin, Labelle, Laporte, Lemieux, Macbeth, Attorney General Macdonald, Roderick McDonald, Sir A.N. MacNab, McCann, Masson, Matheson, Mongenais, Joseph C. Morrison, Angus Morrison, Poulin, Pouliot, Prévost, Rhodes, Solicitor General Ross, Shaw, Solicitor General Smith, James Smith, Spence, Stevenson, Thibaudeau, Whitney, and Yielding.--(56.)

So it passed in the Negative.

Then the main Question being put, That the Bill be now read the third time; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Mr. Joseph Curran Morrison moved, seconded by Mr. Sidney Smith, and the Question being put, That the Bill do pass, and the Title be, "An Act to incorporate the Upper Canada Religious Tract and Book Society;" the House divided:--And it was resolved in the Affirmative.

Ordered, That Mr. Joseph Curran Morrison do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to explain an Act, intituled, "An Act to amend and extend the Law relative to the remedy by Replevin in Upper Canada", was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Macdonald do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to legalize certain grants from the Municipalities of this Province towards the Patriotic Fund, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be recommitted to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Sanborn reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Sanborn reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Ferrie do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend and consolidate the Acts relating to the appointment of

(908)

Reporters to the several Courts of Law and Equity in Upper Canada, and to repeal certain Acts therein mentioned, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Macdonald do carry the Bill to the Legislative Council, and desire their concurrence.

The House proceeded to take into consideration the Amendment made by the Legislative Council to the Bill, intituled, "An Act to provide for the management and improvement of the Harbour of Montreal, and the deepening of the Ship Channel between the said Harbour and the Port of Quebec, and to repeal the Act now in force for the said purpose;" and the same was read, as followeth:--

Page 4, line 12. After "therein" insert "except Arms, Ammunition and Military accoutrements and other Munitions of War for the use of the Government of this Province, or for its defence, and also Vessels wholly laden therewith."

The said Amendment, being read a second time, was agreed to.

Ordered, That the Honorable Mr. Attorney General Drummond do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendment.

Mr. Sanborn reported the Bill to prevent the traffic in Alcoholic and Intoxicating Liquors; and the amendments were read.

Mr. Felton moved, seconded by Mr. Poulin, and the Question being proposed, That the said amendments be now read a second time;

MR. LARWILL propose, secondé par ... le DR. MASSON, en amendement, que la chambre se forme de nouveau en comité sur le bill, pour y insérer une clause défendant expressément la vente de certaines boissons qu'il énumère ..., et qui sont vendues aux États-Unis, dans les hôtels de tempérance, sous le nom de "fancy drin((k))s," quoiqu'elles produisent l'enivrement. C'est au moyen de ces boissons qu'on élude la loi, et si on veut réellement empêcher l'ivrognerie, il faut les désigner expressément dans le bill. Il a reçu cette liste d'un hôtelier de Boston, qui l'informe que ces boissons sont toutes enivrantes, mais qu'elles sont en commun usage dans les États qui sont sous le coup de la loi du Maine.¹¹⁶ The following was the list, ... viz: Plain fruit Julep; Fancy mixed Julep; Mixed fruit Julep; Peach Julep; Strawberry Julep; Claret Julep; Capped Julep; Arrack Julep; Race Horse do; Sherry Cobbler; Rochelle do; Arrack; Peach do; Claret do; Ching Ching; Tog; Roped; Top and Ty; Fiscal agent; Veto; IOU; Tippe na Peco; Vox Populi; Ne Plus Ultra; Shambro; Pig and Whistle; Citro-nella Jam; Egg nogg; Sargent; Silver Top; Poor Man's Punch; Spire Punch; Speed Punch; Epicure's do; Arrack do; Iced do; Porteree; Split-ticket; Tom and Jerry; Milk Punch; Peach do; Cherry do; Jewett's Fancy; Deacon; Exchange; Stone Wall; Virginia, Fancy; Knickerbocker; Smasher; Floater; Sifter; Moral Suasion; Soda Punch; Soda; Mead; Poker; Gin Rooster Tail; Brandy Rooster Tail; Brandy Smash; Gin Sling; Port Wine Negus.¹¹⁷

MESSRS. MACKENZIE, HOLTON, HINCKS and other members hoped the Speaker would not put the motion, which they considered an insult to the House.¹¹⁸

MR. FELTON thought that such a motion was disgraceful to the House, and a contempt of it.¹¹⁹

MR. AT. GEN. DRUMMOND dit que l'hon. membre a parfaitement le droit de proposer son amendement, parce qu'il y a réellement dans les États-Unis des établissemens dits de tempérance qui vendent ces liqueurs, et si on veut que la loi ne soit pas éludée ici comme elle l'est là, il faut en défendre la vente.¹²⁰

MR. SICOTTE the SPEAKER lit alors l'amendement, et dit qu'il regretterait de le voir entrer sur les registres de la chambre, mais qu'il ne peut refuser de le recevoir; seulement, s'il est perdu, la chambre pourra décider qu'il ne sera pas

enregistré dans les journaux.¹²¹ The Speaker had stammered through the motion in English, and was requested to read it in French.... He was in a convulsion of laughter inwardly and burst out into a roar, when he declared his inability to translate.¹²²

MR. HINCKS, at this crisis, who is strongly against the bill, suggested the withdrawal of the motion¹²³.

MR. LARWILL consent à retirer sa motion, si la chambre le lui permet¹²⁴.

MR. COM. CR. LANDS CAUCHON et plusieurs autres s'y opposent.¹²⁵

Après quelque discussion la motion est retirée.¹²⁶

(908)

Mr. Dufresne moved in amendment to the Question, seconded by Mr. Loranger, That all the words after "That" to the end of the Question be left out, in order to add instead thereof the words, "the Bill be recommitted to a Committee of the whole House with a view to amend the same, by leaving out from the word 'Whereas' in the first line of the Preamble, to the end of the Bill, and inserting the following, or words to the same effect, instead thereof: 'the retailing of Intoxicating Liquors is a cause of drunkenness and demoralization; And whereas it is the interest of all that some means should be adopted to prevent such demoralization; Be it, therefore, enacted, &c., as follows:--

"The retailing of Intoxicating Liquors in the manner which is denominated 'by the glass' or 'by the dram' is prohibited, and the sale of such Liquor in any quantity, with a view to its being drunk on or about the premises where it is sold, is a selling by the glass within the meaning of this section:

"The places commonly known as 'dram shops' or 'grog shops' are hereby prohibited, and declared public nuisances, and the establishment or keeping of one shall be held presumptive evidence of the violation, by the keeper thereof, of the preceding section:

"The establishment or keeping of a place of any description whatever, and whether within or without any building, coming within the spirit and intent of this Act, and the establishment or the keeping a place of any description where other persons are accustomed to resort, providing their own liquor of the prohibited character purchased elsewhere, and drinking it there, shall be taken to be keeping a 'grog shop' within the meaning of this Act, and to be prohibited:

"The sale of any Intoxicating Liquor in a less quantity than (sic) one gallon is prohibited, but nothing in this Act shall prevent or prohibit the sale of Intoxicating Liquor in any quantity demanded to any sick person, or for the use of any sick person, if a certificate of the Physician attending such sick person, or of a Priest, or of a Minister residing in the locality, attesting that such Liquor is required for such sick person, is exhibited and delivered to the person selling such Liquor;

(909)

"Every person committing or concerned in any of the acts above prohibited, or in any way aiding or assisting in any such act, whether as principal or as clerk, bar-keeper, or otherwise, shall be subject to a penalty of Twelve pounds ten shillings currency of this Province, and shall forfeit for every such offence the said sum of Twelve pounds ten shillings, with costs, to such person

as shall sue for the same, and such sum may be sued for and recovered in any of Her Majesty's Courts, or before any Justice of the Peace, by action of debt, bill, plaint or information; and no license, issued or to be issued, shall be held to justify or excuse anything done in contravention of this Act, or to exempt the person contravening the same from the penalty hereby imposed:

"A Writ of execution or a Warrant of distress may issue, in the usual form, against the moveables and immoveables of any person convicted of any of the offences above mentioned, for levying the penalty and the costs, and in default of payment within fifteen days after the condemnation, a Warrant or order may issue against the body of the person convicted of such offence, to imprison such person in the Common Goal (sic) within the limits of the jurisdiction of the Court or Justice before whom he shall have been convicted, until the penalty and the costs shall be paid:

"Provided always, that a Tavern-keeper or Hotel-keeper duly licensed, shall not be considered as selling Intoxicating Liquor by the glass within the prohibition of this Act, or as selling the same in contravention of this Act, by reason of his selling Wine to any traveller or to any person lodging and boarding in his house; provided such Wine is sold and drunk at the ordinary meals of such traveller or boarder:

"Provided also, That any Tavern-keeper or Hotel-keeper who may be convinced of having permitted or suffered any such traveller or boarder to get into a state of intoxication with Liquor so furnished at the ordinary meals, will be considered as having sold Liquors by the glass or by the dram, contrary to the provisions of this Act, and shall be subject to the penalty herein provided for such offence:

"Any person found in a state of intoxication, after the passing of this Act, upon conviction of the fact before a Justice of the Peace, shall be liable to be imprisoned for not less than twenty-four hours, nor more than four days:

"All Courts, Judges and Justices of the Peace, shall construe this Act so as to prevent evasions and subterfuges, and so as to cover the act of giving as well as of selling Intoxicating Liquor in the places and manner above prohibited."

And a Debate arising thereupon;

MR. DUFRESNE dit, en proposant ces amendements, qu'il a toujours été opposé au bill tel qu'il est; qu'il voudrait avoir une loi pour punir l'ivrognerie et régler la vente des boissons, et non la prohibition. Ces amendemens ne sont pas le fruit de ses études, mais ils lui ont été remis par un homme occupant une haute position, et qui est bien connu de toute la chambre; par conséquent, il peut en reconnaître l'excellence, sans se louer lui-même, et il pense qu'une loi basée sur ces amendemens serait infiniment préférable au bill qui est soumis par l'hon. membre pour Sherbrooke (M. Felton). Si on commence à proscrire l'usage d'une chose, on ne sait pas où l'on s'arrêtera, et cela entraînera dans une funeste voie. Pour lui, il est opposé à ce bill, quoiqu'il ait toujours été fortement en faveur de la tempérance, et qu'il l'a toujours pratiquée. Il peut dire qu'il n'y a pas dans la chambre un seul homme plus sobre que lui; depuis longtemps il ne fait aucun usage de boissons enivrantes, mais il veut laisser à chacun la liberté d'en user modéremment (sic).¹²⁷

MR. POULIOT.--De tous les sujets sur lesquels cette chambre a délibéré, pas un n'a surpassé en importance, celui qui nous occupe en ce moment.

Nous sommes appelés à opérer la réforme la plus intéressante, la plus digne de notre attention et la plus propre à contribuer au bonheur du peuple; et, bien

qu'il faille attaquer un deuxième Sébastopol, celui du vice, il y a cependant cela de rassurant, que l'assaut s'en fera pacifiquement, au moyen d'idées et d'opinions qui ne pourront, au plus aller, que se résoudre en paroles en guise de mitraille, en laissant chaque honorable membre dans une sécurité parfaite sur son banc. Les passions comme celles dont il est ici question, M. l'orateur, ont malheureusement des racines fortes et profondes; il faut donc du courage, en proportion de l'oeuvre à accomplir pour les extirper; et j'aime à croire que dans ce siècle où tant de grandes choses sont effectuées, cette honorable chambre ne reculera pas plus devant l'ennemi de notre bonheur commun, que n'ont reculé les alliés en Crimée, devant les Cosaques d'un grand et puissant despote. C'est aussi un autocrate, un tyran impitoyable que nous avons à combattre, et que nous vaincrons glorieusement en faisant retentir contre lui, non les explosions de la poudre, mais le cri du devoir et les protestations de la bonne volonté!

Ne serait-ce pas une belle coïncidence, si, tandis que, peut-être, l'étendard de la civilisation flotte majestueusement sur la principale forteresse de la Crimée, nous allions arborer celui de la sobriété sur la Citadelle jusqu'ici imprenable de l'ivrognerie.

Le Parlement canadien a déjà donné au monde, l'exemple d'une grande sagesse, et, récemment encore, en venant, sous la forme d'une aumône magnifique, au secours des victimes infortunées de la guerre d'Orient; il poursuivra son oeuvre philanthropique en saccageant le temple de Bacchus, et en venant sous une autre forme, celle d'un bon bill, au secours d'autres victimes non moins malheureuses, qui souffrent de l'intempérance.

Les raisons principales, ou plutôt les sophismes principaux des avocats de la non-prohibition, sont au nombre de deux, qui seuls méritent quelque attention, et nécessitent peut-être une réfutation, car je les considère comme dangereux, et calculés pour faire des prosélytes.

Le premier de ces sophismes est: 1o que la prohibition du trafic des spiritueux tarirait une des sources du revenu provincial; 2o qu'un bill comme celui de l'honorable membre pour Sherbrooke, s'il devenait loi, enfreindrait la liberté individuelle.

En ce qui concerne le Fisc, je me demande si l'on oserait bien continuer à spéculer honteusement sur l'avilissement et la dégradation du peuple, à l'imitation de la Chine, qui fait des maisons de prostitution et de débauche, une des sources de revenu du trésor impérial. J'ose croire que non; parce que j'ai trop de confiance dans l'intelligence des honorables membres de cette chambre; je les crois trop éclairés pour ne pas comprendre que la force d'un état est plutôt dans le progrès moral, que dans le progrès matériel, et que ce serait faire un pas de géant vers une régénération sociale, moralement parlant, que d'empêcher, d'arrêter le commerce des liqueurs spiritueuses, vineuses, ou même simplement fermentées.

Il n'est pas hors de propos de remarquer, que si, en Chine, on continue de s'empoisonner légalement en s'enivrant avec de l'opium il y a entre autres, cette énorme différence entre ce pays et notre Canada, qu'ici, du moins, le Christianisme civilisateur nous a secondé de tous ces bienfaits, en répandant autour de nous, une vive lumière qu'il serait insensé de vouloir méconnaître, tandis que là règne la plus ignoble idôlatrie, qui a couvert le Céleste Empire d'un voile sombre qui ne sera probablement tout-à-fait déchiré, que lorsqu'il aura été davantage imprégné du sang des martyrs.

Oh! l'on ne persistera pas à vouloir assimiler notre patrie à la Chine, dans le cas auquel j'ai fait allusion, le parallèle serait monstrueux, anti-patriotique; l'on ne voudra pas continuer à remplir le coffre public avec l'or

qui résulte de la consommation d'un breuvage abrutissant, démoralisateur, qui a causé tant de misères, fait verser tant de larmes, en arrachant à l'épouse, aux enfants de l'ivrogne, leur bonheur domestique, leur dernier lambeau de vêtements, leur dernière bouchée de pain. Ce serait, en quelque sorte, mettre à prix le sang de la victime innocente de l'indifférence, et de l'imprévoyance du législateur.

Le revenu en serait diminué, dit-on. Soit, mais n'y aurait-il pas moyens d'y suppléer? D'ailleurs, à quoi sert le surplus des fonds si ce n'est à des améliorations, et y aurait-il une plus belle amélioration que celle qu'opérerait l'extinction du commerce des liqueurs alcooliques (sic)?

Je reviens au deuxième argument des amis du mal (qu'on me pardonne l'expression, M. l'Orateur, car c'est vouloir le mal que de ne pas l'empêcher quand on le peut,) qu'une loi prohibitive serait attentatoire à la liberté individuelle.

Oh! je ne me dissimule pas que ce grand mot de liberté a, dans la bouche de certaines gens, (et Dieu merci, c'est le plus petit nombre,) une signification à faire frissonner, voire même la liberté proclamée par les phalanstériens, d'après laquelle nous ne serions rien de mieux que la brute. Eh! pourquoi donc toutes les lois divines et humaines, toute la législation, depuis Moïse((e)) jusqu'à nos jours, si ce n'est pour contenir cette liberté, la renfermer dans des limites convenables, raisonnables, en l'empêchant de devenir la liberté du crime? pourquoi aussi cette liberté a-t-elle été laissée à l'homme? Est-ce pour en mésuser, pour son malheur, pour sa perdition? Non, M. l'Orateur, si la liberté est un bienfait, elle doit nous avoir été donnée pour un tout autre but qu'il serait trivial de vouloir expliquer.

Si les partisans d'une liberté entière veulent en ouvrir la large voie, sans restriction aucune, ils auront mérité d'avoir le triste sort du docteur Guillotin, qui, grand avocat de la liberté de décapiter, périt victime du coupe-ret de son abominable invention.

Que n'a pas produit la liberté de boire avec excès? Quel abîme n'a-t-elle pas creusé, et combien ne s'y sont pas précipités? Les paroles les plus éloquentes, l'imagination la plus vive ne pourraient en peindre les horreurs sans être encore bien loin de la réalité.

Supprimez donc cette liberté, qui n'est pas autre que celle de l'assassin, du criminel, du monstre capable de tous les forfaits, de tous les attentats; supprimez l'usage de cet affreux breuvage que les sauvages appelaient l'eau de feu, et que nous pourrions plus proprement appeler l'eau de mort, et vous aurez guéri une des plus grandes plaies sociales des temps anciens et modernes.

Pour se livrer à un vice, il faut avoir occasion de le satisfaire; sans cela, pas de moyen de développer une passion, une mauvaise inclination. Un gouffre existe-((t-))il? comblez-le et personne n'ira s'y précipiter. Or, faites disparaître les boissons fortes et il n'y aura plus d'ivrognes. Il n'y a pas d'effet sans cause; ainsi, la cause première de l'ivrognerie c'est la boisson.

Il y a lieu de s'apitoyer sur ce qui a été avancé par plusieurs honorables membres en faveur de la liberté de boire des liqueurs enivrantes. L'un deux, entre autres, a dit: "parler et écrire sont deux choses dont on peut abuser, il faudrait donc empêcher cela." Je réponds, M. l'orateur, que parler et écrire sont deux choses utiles, nécessaires, presque indispensables à l'homme, mais je dis qu'ivrogner ne l'est pas. Il y a de ces choses, au moyen desquelles vous ferez le bien et le mal avec une égale facilité, mais où la somme de bien l'emportera toujours sur la somme du mal. C'est ce qui résulte de l'art de parler et d'écrire, du préjugé de l'éducation; mais trouvez le bon côté de l'usage de

ces liqueurs abrutissantes, qui font de l'homme un animal stupide en tuant en lui tout ce qui s'y trouve de noble et de grand, je vous en défie. Vous ne verrez dans l'homme ivre qu'un être vil, n'ayant que l'instinct du mal et qui, n'étant plus gouverné par la raison, tombera dans toutes sortes d'extravagances.

Un prêtre, prêchant tout dernièrement sur la tempérance, disait métaphoriquement qu'il avait vu passer le diable dans un tonneau, faisant allusion à une tonne de rum qu'on avait transportée chez le marchand. Certes, M. l'orateur, il ne pouvait caractériser en termes plus convenables, le contenu du tonneau.

On demandait à Alphonse, roi d'Arragon et de Sicile, pourquoi il prenait si peu de vin, et pourquoi encore, lorsqu'il en prenait, il y ajoutait tant d'eau: ce n'est pas là, lui disait-on, l'usage des rois ni de ceux qui les entourent. "Cela est vrai," répondit-il, "mais ils ignorent que le vin pris sans modération éteint ce feu de l'esprit, cette énergie de l'âme qui rendent un roi digne d'en porter le nom et la couronne." Il disait à un de ses courtisans que la boisson forte était la mère de la folie: paroles frappantes de vérité, qui, tous les jours, reçoivent leur application sous nos yeux.

Le voeu populaire nous est parfaitement connu; il est unanime et fort. Y résisterons-nous plus longtemps impunément? Jetez les yeux sur le nombre de requêtes introduites en chambre pendant la première partie de la session seulement, demandant une loi prohibitive; vous y verrez le chiffre considérable de 257 portant 41,152 signatures, représentant un nombre de pétitionnaires bien plus grand, puisque les requêtes de municipalités entières n'ont été signées que par les Maires, Préfets et Greffiers, et que 62 viennent des fils de la tempérance, et ne sont signées que de sept officiers de leurs divisions respectives. Jamais manifestation "d'opinion" n'a été si spontanée, si unanime et si énergique que celle qui s'est faite sur tous les points du pays, à propos de tempérance.

Je n'entends pas attribuer à l'hon. membre pour Montcalm (M. Dufresne) le désir de nuire à la cause qu'il soutient avec les véritables amis de la tempérance; je crois à la pureté de ses intentions, tout en me déclarant contre ses amendements, qui ne peuvent avoir l'effet qu'il en attend.

Nous devons viser avant tout à établir la paix, l'ordre, la sécurité, l'abondance, et le contentement chez le peuple; ce qui ne peut avoir lieu qu'en lui donnant des lois sages adaptées à ses besoins, à son état de société, propres enfin à le moraliser, et c'est ce qu'opérera, non une demie-mesure, mais un bon bill comme celui de l'honorable membre pour Sherbrooke, qui, s'il a quelque défaut, a peut-être celui de n'être pas tout-à-fait assez sévère.

Si nous ne répondions pas à l'appel qui nous est fait de toutes parts; si, pour satisfaire un goût, une gourmandise, une sensualité moralement et physiquement nuisibles, nous allions nous montrer les protecteurs, les fauteurs d'un vice honteux, en ne passant pas une loi de tempérance entière et satisfaisante, ce serait forfaire à la haute mission qui nous est confiée, et donner la preuve que nous ne mériterions pas plus longtemps le mandat populaire en vertu duquel nous siégeons sur les bancs de cette chambre.¹²⁸

MR. CHAUVEAU.--Je n'ai pas encore pris part à ces débats parce que je n'ai pas encore pu me résoudre à prendre au sérieux le projet de loi que nous discutons. Je vois aujourd'hui avec regret que le pays est menacé d'une de ces aberrations législatives qui sont à peine croyables, d'une de ces innovations étranges qui n'ont de précédent nulle part dans l'histoire ancienne ou moderne, et je me croirais blâmable de ne pas dire franchement ce que j'en pense. Je dirai donc simplement que cette loi me paraît absurde, hypocrite, tyrannique et

démoralisatrice. Elle ne tient compte ni de la nature dont elle foule aux pieds les enseignemens, ni de la religion dont elle veut usurper les prérogatives, ni de la morale qu'elle outrage en exagérant la base de toute morale qui consiste à réprimer les abus et non pas à interdire les actions honnêtes et légitimes sous prétexte qu'elles sont susceptibles de dégénérer en abus.

Elle est appuyée sur deux choses fausses: une assertion fausse, et un principe faux.

Elle affirme comme un fait que toute liqueur fermentées (sic) est un poison. Cela est faux, faux en histoire naturelle, faux en chimie, faux dans l'observation journalière, et s'il est possible que l'assertion d'un fait comme celui-là soit fausse en religion, cela est faux en religion.

Vous ne trouverez pas un chimiste, pas un médecin, pas un naturaliste qui vous dira que le vin est un poison, et quand aux spiritueux, ils ne sont poison comme une infinité d'autres substances, que selon la dose et les circonstances. Voulez-vous supprimer l'existence de tous les poisons; vous supprimerez du même coup la médecine tout entière et il est assez étrange que le même parti qui veut abolir le monopole des médecins et par conséquent rendre libre le commerce des poisons veuille aussi proscrire le commerce des vins et des spiritueux.

Il y a eu d'autres législateurs avant Neal Dow et l'honorable représentant de Sherbrook (M. Felton). Il y a eu entr'autres Moïse qui législatait sous l'inspiration divine, Moïse qui est entré dans les plus grand((s)) détails sur tout ce qui touchait à l'hygiène de son peuple. Eh bien, il ne s'est pas avisé de dire que le vin est un poison; il a laissé cette découverte à M. Neal Dow, je me trompe, à Mahomet, car Mahomet est le seul législateur que l'on puisse invoquer. Voyez de suite l'effet d'une loi absurde et tyrannique: les Turcs pressés par ce besoin de narcotiques et de stimulans qui travaille la pauvre espèce humaine, les Turcs ont substitué au vin qui n'est pas un poison, l'opium qui en est un, et tout le monde sait s'ils y ont gagné.

Si le vin était un poison, l'écriture ne l'aurait point béni. Elle le considère au contraire si-non comme nécessaire du moins comme très utile. La bénédiction que les prophètes donnaient aux peuples anciens c'était "que le vin, l'huile et le froment se multiplient." Dans la bible, c'est pour bien dire une formule consacrée.

La loi nouvelle a fait plus, et arrêtés par l'usage que le christianisme comme toutes les autres religions a fait du vin pour les sacrifices, nos législateurs ont introduit une exception à leur rigorisme absolu. Cette exception veut dire seulement que le vin est une chose si affreuse, un poison si vif qu'il n'y aura que le prêtre à l'autel à qui il sera permis d'en boire. (Écoutez!)

Dans un des États de l'Union, on a été à la fois moins religieux et plus logique. Usant largement du sens privé pour l'interprétation des écritures, on a dit que le Christ s'était servi de la liqueur dont on se servait dans ce temps-là, que la commomération (sic) de ce qu'il avait fait pouvait être toute (sic) aussi bien faite avec toute autre liqueur et l'on a poussé le fanatisme jusqu'à repousser un amendement dans le sens de celui que nous avons adopté!

Cette loi repose donc sur une assertion fausse, sur un fait controuvé dans l'histoire, dans la science, dans la religion.

Elle repose sur un principe plus faux encoer (sic) s'il est possible.

"Une des causes générales de la cruauté et des autres vices des lois pénales, (dit l'illustre auteur du traité des délits et des peines,) c'est la fausse idée que les législateurs se font de l'utilité. Celui-là a une fausse idée de l'utilité qui sacrifie mille avantages réels à la crainte d'un désavan((ta))ge imaginaire, qui voudrait ôter aux hommes le feu parce qu'il cause des incendies, et l'eau parce qu'on s'y noie, et qui ne sait empêcher le mal qu'en détruisant."

Beccaria n'avait pas entendu parler de la loi du Maine, mais il l'avait devinée un siècle à l'avance.

Le principe de toute saine législation, c'est de rendre le mal moralement impossible (sic) en le punissant ou en le flétrissant. Le principe de votre loi, c'est de rendre le mal physiquement impossible en supprimant la cause matérielle qui existe et que Dieu a voulu qui existât dans la nature. Cela est faux en législation, faux en morale, faux en religion.

L'homme est un être intelligent et doué du libre arbitre, partout il a à choisir entre le bien et le mal; sa vie est une épreuve continuelle.

Dieu plaça dans le paradis terrestre l'arbre de la science du bien et du mal. A la place d'Adam, les partisans de la loi pour se soustraire à l'épreuve, auraient abattu et brûlé l'arbre jusqu'à la racine.

Plus tard, aux noces de Cana, ils auraient de par la loi, arrêté le maître du monde coupable à leur dire d'avoir changé un liquide innocent en une source de tous maux, coupable d'avoir manufacturé un poison!

Partout en effet cette loi a la prétention d'être plus sage que Dieu lui-même; elle empiète sur le domaine de la religion, elle veut faire de par la force ce qu'on ne pourra jamais faire que de par la grâce.

Elle fait consister la vertu dans l'impossibilité de faire le mal, elle repousse l'épreuve et le sacrifice qui sont les bases du christianisme, elle met la loi à la place de la prédication, l'amende au lieu de la pénitence, l'homme de police à la place du prêtre.

Que l'on étende le principe de cette législation, et que ne pourra-t-elle pas atteindre? Y a-t-il une seule de nos actions que les puritains n'entreprendront point de régenter? Restera-t-il quelque chose au foyer domestique qu'ils ne viendront point contrôler? Où sera la liberté individuelle, où sera la liberté de conscience si tout est soumis à leur nouvelle inquisition?

On s'étonne de ce que les hommes du système volontaire en fait de religion, de ce que les grands apôtres de la liberté, soient en faveur d'une loi aussi despotique. Il n'y a rien de plus logique. Il(s) veulent faire la séparation complète de la religion et de l'état, et usurpant ensuite les fonctions qui appartiennent spécialement à l'église, courbant toutes choses sous le joug de leur puritanisme; tandis qu'ils auront chassé les religions établies dans l'état, ils établiront la leur dans les mœurs par la législation.

Je prie mes compatriotes du Bas-Canada, de se tenir en garde. Ce premier triomphe des puritains du Haut-Canada, en amènera d'autres. Cette loi prohibitive sera suivie d'une autre loi qui nous imposera le dimanche des puritains, le dimanche à leur manière, sombre, inerte et désolé, et nos mœurs, nos institutions cèderont bientôt sous les coups répétés de l'ennemi se précipitant par la brèche que nous aurons laissé faire.

Cette loi est hypocrite. Elle dit une chose sur son enveloppe, vous la déployez et vous y trouvez une toute autre chose.

Elle aurait dû s'appeler "une loi pour engager ceux qui boivent beaucoup, à boire d'avantage, et pour empêcher ceux qui boivent modérément de boire du tout" (Écoutez!)

Elle proscriit la vente du vin et des spiritueux, et elle en permet l'importation. Pourquoi cette contradiction? C'est que ceux qui la votent ne l'auraient pas voté sans cela. Pourquoi encore? C'est que quelques-uns d'eux veulent imposer l'abstinence aux autres et ne pas se l'imposer à eux-mêmes? Qu'en résultera-t-il? Ceux qui sont riches, et qui boivent déjà beaucoup, importeront pour leur propre usage. Ils importeront d'excellents vins à meilleur compte qu'ils ne peuvent les avoir aujourd'hui. Les caves bien fournies, on fera bombance; ce ne sera que festins, bals et raouts, et le pauvre toujours

jaloux d'imiter le riche, le pauvre qui ne pourra ni acheter, ni importer, aura recours à mille fraudes, il paiera beaucoup plus cher des boissons qui ne seront que plus frelatées, et il en boira d'avantage.

La religion avait donné au pauvre la tempérance à l'ombre de la croix; il l'avait acceptée en la bénissant: vous voulez lui imposer l'abstinence au moyen d'une loi partielle et tyrannique, il la repoussera en vous maudissant.

Soyez en sûr, le bon sens du peuple lui fait vite découvrir ce qui est légitime et ce qui est tyrannique en fait de législation. Il sait très bien qu'il ne nous envoie pas ici pour régler le boire et le manger de chacun.

C'est une tyrannie que de vouloir imposer aux autres un sacrifice que l'on ne s'impose pas à soi-même.

C'est une tyrannie que de faire une obligation de ce qui ne doit être que volontaire.

C'est une tyrannie d'interdire l'usage de ce qui est ... bon pour en prévenir l'abus.

Eh bien; essayez d'imposer au peuple votre loi absurde, hypocrite et tyrannique, vous n'aurez fait qu'une chose, vous l'aurez démoralisé. Les fraudes sans nombre accourront de toutes parts. Le commerce des vins et des spiritueux existera toujours sous une forme ou sous une autre, mais par cela même que ce sera un commerce illicite, il donnera naissance à des abus bien plus graves que ceux que vous voulez réprimer. L'exemple n'est pas loin de nous, la loi du Maine n'est pas en force même dans l'État du Maine. En voulez-vous une preuve? Neal Dow, disent les journaux américains, le père de la loi, vient d'être élu maire de Portland par des hommes ivres.

Toutes les déclamations des partisans de la loi sont irréfutables en elles-mêmes, mais n'ont pas d'application au différend qui existe entre eux et nous. On pourrait dire de bien plus belles choses encore, on a déjà dit de plus belles choses contre l'intempérance. Il est inutile de nous appeler les amis du mal; toute la question entre nous est de savoir de quelle manière on doit s'y prendre pour le réprimer. Punissez si vous le voulez l'intempérance comme un délit, déclarez si vous le voulez l'ivrogne infâme, fappez-le de toute espèce d'incapacité civile et politique, réglez encore d'une manière raisonnable le commerce des spiritueux, punissez leur falsification par des substances délétères, mais ne punissez point les gens tempérans, pour ceux qui ne le sont point, ne leur imposez pas un sacrifice beau et louable lorsqu'il est volontaire, mais qui devient une insulte lorsqu'il est forcé; et surtout ne défendez point la vente lorsque vous tolérez l'importation. C'est une conséquence assez bizarre de votre loi d'abstinence que de condamner ceux qui auront importé, puisque vous leur défendez de s'en défaire?

L'hon. représentant de Dorchester nous a demandé si nous étions prêts à protéger les maisons de débauche? Je ne vois pas l'analogie. Nos lois même les plus sévères sur cette article n'ont voulu réprimer que les scandales; elles n'ont jamais eu la prétention de supprimer radicalement l'existence du vice; encore bien moins ont-elles voulu interdire ce qui est honnête et licite, pour prévenir les abus. (Écoutez..)

St. Louis qui n'était certainement pas l'ami du mal, avait décrété l'expulsion des prostituées de Paris. Il fut obligé plus tard de se relâcher de cette sévérité. On leur assigna un quartier, on les sépara des autres femmes, on leur interdit certains articles de toilette entr'autres la ceinture dorée. Elles en portèrent toutes et de là est venu un proverbe qui n'est peut-être par hors de propos dans la discussion actuelle: bonne renommée vaut mieux que ceinture dorée! (Écoutez.)

En terminant je demanderai à mes compatriotes du Bas-Canada, dans quel temps on veut leur imposer cette loi, d'où elle nous vient, et vers quel résultat elle nous conduit? Fut-il jamais un temps dans le Bas-Canada du moins, où une pareille loi fut moins nécessaire? N'avons-nous pas obtenu par la persuasion dans une infinité d'endroits ce que l'on veut ici arracher par la force? N'y-a-t-il pas eu même des résultats, tels qu'ils ont sérieusement diminué le revenu public, chose que je suis loin de regretter? Où donc dans un tel moment va-t-on prendre l'idée d'une pareille loi? Le peuple demande une loi, mais une loi de tempérance, une loi de répression, non pas une loi de suppression. Le clergé catholique du Bas-Canada ne demande pas cette loi. S'il la croyait nécessaire pensez-vous qu'il fut resté inactif? Il y a eu des hommes publics dignes de notre confiance avant ceux qui veulent nous imposer la loi du Maine. Nous avons eu à notre tête M. LaFontaine et M. Morin; ont-ils jamais suggéré une pareille loi? Tous les membres de l'administration actuelle pour le Bas-Canada y sont opposés, presque tous ceux qui ont quelque expérience dans la législature se prononcent contre. D'où nous vient-elle? Avant que l'état du Maine fut peuplé, il y a eu des nations civilisées. L'Egypte, la Grèce, Rome ancienne et Rome moderne, enfin l'Angleterre et la France ont été bien mal avisées de ne pas songer à remédier à un aussi grand mal par un remède qui serait aussi simple s'il avait seulement le sens commun. Une majorité fanatique ou hypocrite dans quelques petits États de l'Union a fait adopter cette loi, elle y fonctionne mal, ou même elle n'y fonctionne pas du tout; et nous allons nous empresser de la copier au moment peut-être où elle est sur le point d'être rappelée! Je me trompe, ce n'est pas une majorité qui, aux États-Unis et ici réussit à imposer des mesures excentriques de cette nature. Voici ce qui arrive: On organise une ligue d'hommes qui abandonnent toute autre idée, tout principe politique qui sont exclusivement de la ligue. Ces hommes, faible minorité, mais aussi nombreux pour faire pencher la balance, promettent leur appui à celui des deux partis qui veut sacrifier à leur idole, et le fanatisme appuyé sur l'ambition triomphe de convictions sincères. Il n'est pas difficile de voir où cela doit mener. Ce qui n'est réellement pas le vœu de la majorité amène une réaction. Ne risquez pas, je vous en conjure, la tempérance volontaire que vous avez, pour l'abstinence légale que vous n'aurez pas, n'imposez pas au Bas-Canada la loi des puritains du Maine et du Haut-Canada, et surtout n'invitez pas, par une loi tyrannique, une réaction honteuse qui emporterait avec elle et votre loi d'abstinence et la tempérance elle-même qui nous a donné de si beaux résultats!¹²⁹

MR. SANBORN demande si ces amendemens ((de M. Dufresne)) sont bien dans l'ordre, car de fait ils constitueraient un nouveau bill, s'ils étaient adoptés, en ce qu'ils proposent de rejeter l'autre bill complètement; et comme, pour devenir loi, il faut qu'un bill subisse une première et une seconde lecture, et que ce nouveau bill, s'il était accepté, serait rendu du coup à sa troisième lecture, il pense qu'il ne doit pas être accepté.¹³⁰

MR. SICOTTE the SPEAKER décide que les amendemens sont dans l'ordre, parce qu'on peut proposer d'amender tout un bill en comité général. Cette pratique a déjà été suivie ici, quoiqu'elle ne le soit pas en Angleterre, et par conséquent il décide qu'ils sont dans l'ordre.¹³¹

MR. LORANGER se prononce contre le bill, parce qu'il le considère comme étant liberticide et inconstitutionnel, et que le pays ne demande pas une loi

de ce genre. Il serait en faveur d'une loi de tempérance, qui réglerait l'usage des boissons fortes, mais il doit s'opposer à une loi qui en prohibe l'usage au pauvre, tout en le permettant au riche.¹³²

MR. AT. GEN. DRUMMOND et MR. HINCKS then pressed the mover to allow his motion to be postponed.¹³³

MR. FELTON resisted any postponement¹³⁴.

MR. THIBAUDEAU propose que la chambre s'ajourne.¹³⁵

MR. HOLTON espère que cette motion ne sera pas acceptée, parce qu'elle n'est faite que dans le but de remettre encore la passation du bill; il dit que les adversaires du bill devraient l'opposer franchement, et essayer de le faire rejeter définitivement, plutôt que de vouloir le faire remettre à chaque séance sous un prétexte ou sous un autre.¹³⁶

MR. CHAUVEAU et MR. AT. GEN. DRUMMOND sont en faveur de l'ajournement et se déclarent contre le bill; jusqu'à présent il n'a pas encore été sérieusement discuté, et ce n'est pas après minuit que la chambre peut commencer à le discuter sérieusement. D'ailleurs, les amendemens qui ont été proposés ce soir sont tellement importants, qu'il faut avoir du tems pour les étudier; et qu'il ne faut pas les rejeter ou les accepter à la légère. En conséquence, ils pensent qu'il vaut mieux s'ajourner et reprendre les débats un autre jour, lorsque la soirée sera moins avancée.¹³⁷

MR. CHAPPAIS, MR. POST. GEN. SPENCE et MR. MACKENZIE se prononcent contre l'ajournement, parce qu'il est tems d'en finir avec le bill, et qu'il y a déjà bien assez longtemps qu'il est devant la Chambre pour que les membres soient prêts à voter.¹³⁸

(909)

Mr. Thibaudeau moved, seconded by Mr. Desaulniers, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Alleyn, Brodeur, Cartier, Casault, Cauchon, Cayley, Chauveau, Clarke, Daly, Charles Daoust, Jean B. Daoust, Desaulniers, Antoine A. Dorion, Dostaler, Attorney General Drummond, Dufresne, Ferrie, Foley, Octave C. Fortier, Fournier, Galt, Gamble, Guévremont, Hincks, Labelle, Laberge, Laporte, Larwill, Lemieux, Loranger, Lumsden, Masson, Attorney General Macdonald, Joseph C. Morrison, Angus Morrison, Murney, O'Farrell, Powell, Rhodes, Solicitor General Ross, Thibaudeau, Turcotte, and Young.--(43.)

(909-910)

NAYS.

Messieurs Aikins, Bell, Biggar, Bourassa, Brown, Bureau, Chapais, Chisholm, Christie, Church, Cook, Cryslar, Darche, DeWitt, Dionne, Jean B.E. Dorion, Felton, Frazer, Freeman, Gould, Hartman, Holton, Jackson, Jobin, Langton, Mackenzie, Matheson, Mattice, Mongenais, Munro, Niles, Papin, Patrick, Poulin,

Pouliot, Rolph, James Ross, Sanborn, Scatcherd, Somerville, Spence, Terrill,
Whitney, and Wright.--(44.)

So it passed in the Negative.

MR. CHAPAIS parle ensuite en faveur du bill¹³⁹.

(910)

Mr. Somerville then moved, seconded by Mr. Clarke, and the Question being put, That the Debate be now ajourned; the House divided:--And it was resolved in the Affirmative.

*Then, on motion of the Honorable Mr. Attorney General Macdonald, seconded by Mr. Somerville,
 The House adjourned.*¹⁴⁰

APPENDIX: 23 APRIL 1855.

((NOTICE OF MOTION RE: GRAND TRUNK RAILWAY COMPANY.))

MR. J.S. MACDONALD (Glengary) ((donne avis qu'il)) proposera en amendement à la résolution qui sera proposée par l'honorable M. Cayley au sujet de l'aide en faveur du grand tronc de chemin de fer du Canada:

Que tous les mots depuis "qu'il" inclusivement dans la dite résolution soient retranchés et les suivants substitués "qu'avant que cette chambre soit appelée à s'engager à accorder une aide additionnelle de neuf cent mille louis sterling, ou de toute autre somme à même le revenu public, en faveur de la compagnie du grand tronc de chemin de fer du Canada, l'enquête la plus minutieuse et la plus considérable, devant un comité spécial, devrait être faite sur l'état et les affaires de la dite compagnie généralement, et spécialement sur la somme d'un million sept-cent-soixante-seize-mille-deux-cent-soixante-et-huit louis sterling de la garantie provinciale avancés à cette compagnie jusqu'à la date du 20 janvier dernier, et relativement à toutes autres sommes qui auraient pu depuis être payées; aussi relativement à l'administration et à la conduite adoptée par la compagnie, touchant l'exécution des ouvrages sur les différents embranchements du dit chemin de fer, et pour une preuve plus claire que celle qui existe maintenant, établissant que la nature de l'ouvrage est conforme aux termes du contrat avec MM. Peto, Brassez, Beits et Jackson; et en outre, pour constater jusqu'à quel point la sûreté apportée par le grand tronc de chemin de fer uni--peut garantir une avance additionnelle."¹⁴¹

((NOTICE OF MOTION FOR AN ADDRESS RE: COMMISSION TO REVISE STATUTES.))

MR. A. DORION (Montréal) ((donne avis que)) lundi prochain ((il)) proposera qu'une adresse soit présentée à son excellence le gouverneur-général, le priant de faire mettre devant cette chambre copie de toute correspondance qui peut avoir eu lieu entre le gouvernement et les membres du barreau, soit dans le Bas soit dans le Haut-Canada, relativement à la nomination d'une commission pour faire reviser les statuts conformément à une adresse de cette chambre votée le 11 juillet 1851, et aussi, relativement à la nomination de deux autres commissions pour le même objet, conformément (sic) à une adresse de cette chambre, votée le 28 septembre dernier.¹⁴²

((NOTICE OF QUESTION RE: RECIPROCITY TREATY.))

MR. YOUNG ((donne avis que)) lundi prochain ((il)) demandera au ministère si c'est l'intention du gouvernement de continuer le droit sur le riz ou tout autre article, étant le produit de la Grande-Bretagne, ou d'une possession britannique, tandis que les (sic) mêmes articles, s'il est produit dans les États-Unis, est admis franc de droits en vertu du traité de réciprocité.¹⁴³

((NOTICE OF QUESTION RE: PROVINCIAL POLICE.))

MR. PAPIN ((donne avis que)) lundi prochain ((il)) demandera au ministère si c'est l'intention du gouvernement d'adopter durant la présente session, des mesures pour l'organisation d'un corps de police provinciale.¹⁴⁴

((NOTICE OF QUESTION RE: EDUCATION.))

MR. J. DORION (Drummond et Arthabaska) ((donne avis que)) lundi prochain ((il)) demandera au ministère pourquoi l'argent des écoles communes du Bas-Canada pour l'année 1854, n'a pas encore été payé aux différentes municipalités scolaires.¹⁴⁵

((QUESTION AND ANSWER RE: ST. FRANCIS DISTRICT.))

MR. FELTON ((asked)) whether the Government intended to limit the representation of the District of St. Francis, in the Legislative Council to one member; if they did not think it entitled to two, and how they intended to divide (sic) it into electoral districts¹⁴⁶.

MR. PRES. EX. COUN. MACNAB stated that the Government had been furnished with no reason for altering the schedule to the Bill laid before the House.¹⁴⁷

((POSTPONED MOTION RE: TORONTO HOSPITAL.))

MR. HARTMAN moved the appointment of a Select Committee on the subject of the Toronto General Hospital. He thought that recent proceedings had been such as to require investigation and that at this late period of the Session the sooner a committee was appointed the better.¹⁴⁸

MR. PRES. EX. COUN. MACNAB said the Government were not yet in possession of the results of the investigation instituted by the Trustees, and he considered it scarcely fair to ask them to consent to a Parliamentary enquiry, before they were in possession of what had already taken place.¹⁴⁹

MR. HARTMAN said the investigation in Toronto had been closed and the whole proceedings were reported in the newspapers. In the Estimates for the year shortly to be brought down there would no doubt be one for the support of the Toronto Hospital, and before that was agreed to he thought the facts recently elicited should be investigated by a committee of the House.¹⁵⁰

MR. BOWES, one of the Trustees of the Hospital, said that the complaints against its management had been made by a student of 9 months' standing, who had no ticket to the Hospital, and had only been permitted by courtesy to walk through its wards on two or three occasions. There were five Trustees, Dr. Widmer, Mr. Beatty, and Mr. Doel appointed by the Government, Mr. Clarkson representing the Board of Trade, and himself representing the Corporation. He hoped the Government would not comply with the request now made, to appoint a Committee to examine into matters connected with the management of an Hospital, which they had committed to those five Trustees, who, he conceived were quite capable of seeing to its management and investigating carefully and faithfully any charges that might be made against it. The student he had referred to made charges against the Hospital, that it was a sink of moral corruption, that it had grown gray in iniquity, and that it had become a den of sin. He withdrew those charges, however, during the investigation, and the evidence which was taken during three days showed that there was no foundation for them. It appeared that a jealousy had arisen between the students of Trinity College and

those of the Toronto School of Medicine and the two Professors of the Toronto School of Medicine were called upon by their students to give testimony against the management of the Hospital. The students tried to prove a want of attention on the part of the medical officer of the institution, and also cruelty on the part of two of the servants. But on the other hand evidence was given by medical men of very great experience that in no country¹⁵¹ ((OR)) the world¹⁵² was there an Hospital managed with greater efficiency. If a committee were to be appointed as now proposed, he believed that every one of the Trustees would resign. Let the Government wait till the Report come down from the Trustees, and then, if anything appeared to be wrong, the Government might appoint a committee to make it right.¹⁵³

DR. ROLPH.--Mr. Clarkson's name was mentioned. Did he attend the proceedings.¹⁵⁴

MR. BOWES.--He was engaged and sent an apology. Dr. Widmer, Mr. Beatty and myself were present, but Dr. Widmer was obliged to leave, and Mr. Beatty and I conducted the investigation at its close.¹⁵⁵

DR. ROLPH.--I wish to know whether Dr. Aikins and Dr. Wright, two of the Hospital attendants, have been dismissed. I have heard from Toronto that their dismissal was obtained by a telegraph ((from)) Mr. Bowes in Quebec--the quorum being made up by the concurrence of that gentleman sent by telegraph.¹⁵⁶

MR. BOWES.--I received a telegraph that a proposal to supersede Drs. Wright and Aikins was before the Trustees, and asking my concurrence,--asking me to say yea or nay. I telegraphed that I concurred in the decision of the Trustees, Yea.¹⁵⁷

DR. ROLPH.--And the trustees then decided?¹⁵⁸

MR. BOWES.--I have not heard since.¹⁵⁹

DR. ROLPH.--The statement of the hon. member does not contradict what I heard, that there was no quorum, and that the quorum was made up and the dismissal of those gentlemen obtained by the telegraph sent from Quebec by Mr. Bowes. In consideration of this irregularity I think the least the Government can do is to allow Drs. Aikins and Wright to remain in the discharge of their duties, till they are able to enquire into the circumstances.¹⁶⁰

MR. BOWES.--Previous to my leaving Toronto we had a full meeting, every member of the Trust being present and the matter was then fully discussed. It was seen that the Hospital could not be managed efficiently, if all the seven medical gentlemen were continued. There was no dissentient in the Board from that view, but no action was taken. And when I received the telegraph, I thought it had been the unanimous opinion of the Board, with the exception of myself who was not present, and I telegraphed that I concurred in the decision of the Board.¹⁶¹

DR. CLARKE¹⁶² ((OR)) DR. ROLPH¹⁶³.--Were you aware of the fact that it was a meeting of a minority of the Board, and that your name was required to make a quorum.¹⁶⁴

MR. BOWES.--I was not.¹⁶⁵

MR. HARTMAN said that this new feature of the case which had just been elicited made it all the more necessary that the fullest enquiry should be instituted. (Hear, hear.) If it were true that a minority of the Board had met and discharged two of the medical officers getting a third vote by telegraphing 500 miles, he thought it high time that there should be an enquiry. (Hear, hear.)¹⁶⁶

MR. PRES. EX. COUN. MACNAB.--I think the hon. gentleman should withdraw his motion. As soon as a Report arrives from the Trustees, he will be informed of it, but I cannot tell what the Government will do till they have seen the Report.¹⁶⁷

MR. J.S. MACDONALD (Glengary) said that perhaps there would be no Report. He thought there was ample ground to warrant an enquiry. Every one who had read the evidence must be satisfied that the Toronto Hospital was in a state requiring some reformation.¹⁶⁸

MR. CAMERON said it was one of the most extraordinary things he had ever heard of, that those medical gentleman (sic) could be dismissed by a minority of the Board, converted into a majority by the vote of his colleague sent by telegraph from Quebec. He would like to know whether in point of fact that telegraph did constitute the act by which they were dismissed. If it did, it was clear that these gentlemen had not been legally removed, and that they were entitled to go to the Hospital and perform their duties as before.¹⁶⁹

MR. BOWES.--The telegraph I got was this.--There is a resolution before the Trustees deciding to supersede Messrs. Aikins and Wright, say Yea or Nay. I replied--I concur in the decision of the Trustees. But they did not say how many were present, whether four, three, two, or one.¹⁷⁰

DR. ROLPH.--That is exactly as I understood it. I quite agree with Mr. Cameron that the dismissal is illegal, and I think the Government should say that Messrs. Aikins and Wright shall continue in the discharge of their duties, till the matter is looked into.¹⁷¹

Some further conversation ((took place.))¹⁷²

MR. HARTMAN agreed to postpone his motion till it should be seen what Report the Government were to receive from the Trustees.¹⁷³

96. GLOBE, 2 May 1855.
97. MONTREAL GAZETTE, 27 April 1855.
98. GLOBE, 2 May 1855.
99. MONTREAL GAZETTE, 27 April 1855.
100. GLOBE, 2 May 1855.
101. MONTREAL GAZETTE, 27 April 1855.
102. GLOBE, 2 May 1855.
103. MONTREAL GAZETTE, 27 April 1855.
104. TORONTO DAILY LEADER, 1 May 1855.
105. GLOBE, 2 May 1855.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. LE PAYS, 28 April 1855.
113. LE PAYS, 5 May 1855.
114. LE PAYS, 28 April 1855.
115. IBID.
116. LE PAYS, 28 April 1855. GLOBE, 2 May 1855, reports that the House spent two hours in debate on this bill. MONTREAL GAZETTE, 27 April 1855, comments: "The debate was long, loud, and furious". TORONTO DAILY LEADER, 30 April 1855, further describes the scene which occurred upon Mr. Larwill's reading of his proposed amendment: "Mr. Larwill preserved the utmost gravity, but the House yelled terribly. The Speaker seemed almost unable to keep his seat; and Mr. Cauchon had evidently swallowed 'pig and whistle,' for he was literally convulsed with laughter. The member for North York, Holton, of Montreal, and poor Sherbrook seemed ready to burst with rage. Mr. Attorney-General Drummond said it was no such thing, and Mr. Cauchon shouted 'read louder.' But the most ridiculous scene of all was when the Speaker had stammered through the motion in English, and was requested to read it in French. He could not do it. His lips would not pucker up. He was in a convulsion of laughter inwardly and burst out into a roar, when he declared his inability to translate."
117. MORNING CHRONICLE, 28 April 1855.
118. MONTREAL GAZETTE, 27 April 1855.
119. TORONTO DAILY LEADER, 30 April 1855.
120. LE PAYS, 28 April 1855.
121. IBID.
122. TORONTO DAILY LEADER, 30 April 1855.
123. IBID.
124. LE PAYS, 28 April 1855.
125. IBID.
126. IBID.
127. IBID.
128. LA MINERVE, 8 May 1855.
129. IBID.
130. LE PAYS, 28 April 1855.
131. IBID.
132. IBID.
133. MONTREAL GAZETTE, 27 April 1855.

134. IBID.
135. LE PAYS, 28 April 1855. According to TORONTO DAILY LEADER, 1 May 1855, the vote on Mr. Thibaudeau's motion took place at "a quarter to one o'clock a.m."
136. LE PAYS, 28 April 1855.
137. IBID.
138. IBID.
139. IBID.
140. GLOBE, 2 May 1855, reports: "The House accordingly adjourned after one o'clock, A.M."
141. LE PAYS, 28 April 1855.
142. IBID.
143. IBID.
144. IBID.
145. IBID.
146. MORNING CHRONICLE, 24 April 1855.
147. IBID.
148. GLOBE, 1 May 1855.
149. IBID.
150. IBID.
151. IBID.
152. MONTREAL GAZETTE, 27 April 1855.
153. GLOBE, 1 May 1855.
154. IBID.
155. IBID.
156. IBID.
157. IBID.
158. IBID.
159. IBID.
160. IBID.
161. IBID.
162. GLOBE, 1 May 1855. The debate on this item is reported in GLOBE, 1 May 1855, and in MONTREAL GAZETTE, 27 April 1855. It is not clear who made this statement as the reports differ.
163. MONTREAL GAZETTE, 27 April 1855.
164. GLOBE, 1 May 1855.
165. IBID.
166. IBID.
167. IBID.
168. IBID.
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173. IBID.

PROPER NAME INDEX

INTRODUCTION

The following Index applies only to the names of men who were members of the Legislative Assembly in the Fifth Parliament, First Session, Second Part, for the period covered in this volume, that is 26 March 1855 to 23 April 1855 inclusive. It refers to every occasion a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates or to every other time he addressed the House; and also when he took the chair of the House in Committee of the Whole, or was appointed to sit on a Committee. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

As explained in the Introduction to Volume XII, Part I, the subject Index for the entire volume will be contained in the final part.

The letter "f" after the page number indicates a member's speech or motion referred to in the footnote pages.

The punctuation (?) following a page number indicates there is reason to doubt that the member made the speech or moved the motion. The reader is advised to refer to the appropriate footnote in the footnote pages for an explanation.

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